

Town of Prescott

Zoning By-law

By-Law № 09-2009



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Town of Prescott

Zoning By-Law № 09-2009

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Zoning Schedule 'A'

The Corporation of the Town of Prescott Comprehensive Zoning By-law

Foreword

This Zoning By-law affects all lands within the Town of Prescott. Any new development or redevelopment must comply with the requirements of the By-law before a building permit can be issued. Applicants are encouraged to pre-consult with the Town on how the zoning requirements apply.

Changes to the requirements contained in this By-law may be made with prior approval by the Town as provided for under the Planning Act. Significant changes may require a rezoning. Minor variations to the By-law may be granted by the Town's Committee of Adjustment. Both processes require formal applications to be submitted to the Municipality and both involve mandatory public notification.

Should you have any questions about the interpretation of the wording of this by-law or the process involved to obtain relief from its provisions, please contact the Town Office.

The Corporation of the Town of Prescott

By-law No. 09-2009

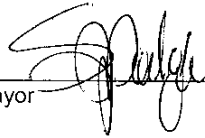
Being a By-law to regulate the use of land, buildings and structures within the Town of Prescott;

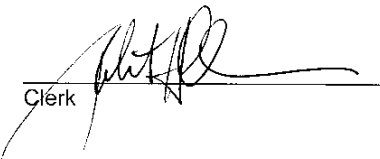
WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended, to Councils of Municipalities to enact by-laws regarding the use and the erection and use of buildings or structures within the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Prescott enacts as follows:


That the Town of Prescott Zoning By-law dated December 16, 2008 and hereto attached as Schedule 'A' to this by-law be adopted in its entirety and that this by-law come into full force and effect upon third and final reading

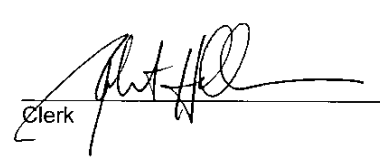
Read a first and second time this **19th** day of **January, 2009**.

Mayor 

Clerk 

Read a third and final time and passed this **17th** day of **February, 2009**.

Mayor 

Clerk 

HOW TO USE THIS BY-LAW

Step 1 – LOCATE YOUR PROPERTY AND DETERMINE THE ZONE

Use the zoning schedules (maps) at the end of this document to locate the property you are interested in. Identify the zone symbol that applies to that property. Zone examples include R1, R2, R3, CC, C1, C2, CW, M1, M2, I, OS, P, and D.

Step 2 – DETERMINE WHAT USES ARE PERMITTED IN THE ZONE

Use one of the Zone Tables to determine what uses are permitted in the Zone you have identified. (Note: Section 5.1 of the text also identifies the name of the zone that corresponds to a zone symbol.) The uses in the Tables are listed alphabetically. Run your finger down the first column to find the use you are interested in. If you find the use you are interested in, it is permitted in the Zone. Otherwise, it is not permitted in that Zone.

Step 3 – DETERMINE WHAT ZONE REQUIREMENTS APPLY

Once the use is determined to be permitted, move down to the Zone Requirements table. In this table, it will indicate what the minimum requirements will be i.e. minimum lot area, frontage etc. These standards will help you determine where you can locate a building or structure on your lot.

Step 4 – DETERMINE IF ANY GENERAL PROVISIONS APPLY

Development of the property may be affected by Section 4 – General Provisions. General Provisions can apply to any zone anywhere in the municipality. This section contains provisions that apply to such matters as Accessory Uses, Height Exceptions, Home Based Businesses. Use this section to determine how a particular land use might be affected.

Step 5 – CLARIFY THE MEANING OF A USE

Throughout the by-law some words are shown in black italicized script. These words are defined in Section 3 – Definitions. If you are unsure as to what a particular word means or what the scope of a permitted use includes, then refer to the alphabetical list of definitions to assist you. This section also contains illustrations which are intended to help with understanding the definition.

Section 1 ADMINISTRATION

Explanatory Note

Section 1 identifies the administrative controls and requirements of the By-law. It names the By-law, states its relationship with other by-laws, defines the area to which it applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-law functions.

1.1 Title

This By-law shall be known as the Zoning By-law or By-law No.09-2009 of the Corporation of the Town of Prescott.

1.2 Applications and Plans

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by a plan, drawn to scale and showing the following:

- (a) the true shape, dimensions and/or legal description of the lot to be built upon or otherwise used;
- (b) the proposed location, height and dimensions of any building, structure or use proposed for such lot;
- (c) the proposed location, setback, height and dimensions of yards, landscaping, off-street parking spaces and off-street loading spaces required by this By-law;
- (d) the location of all existing buildings or structures on the lot, including the lot area, lot coverage of existing and proposed structures;
- (e) a statement, signed by the owner disclosing the current use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law.

1.3 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Town of Prescott.

1.4 Effective Date

This By-Law shall come into full force and effect on the date of passing by Council, in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, as amended.

1.5 Enforcement

This By-law shall be administered by the Zoning Administrator or such other person as may from time to time be designated by Council, and no permit for the use of land or for the erection or use of any building or structure or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be a violation of any provision of this By-law.

1.6 Inspection of Land, Buildings and Structures

- (a) Subject to Sections 49 and 49.1 of the *Planning Act*, R.S.O. 1990, the Chief Building Official or other such person as may from time-to-time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of carrying out his duties under this By-law.
- (b) Notwithstanding any provisions of Section 1.5 (a) hereof to the contrary, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the *Provincial Offences Act*.

1.7 Penalty

- (a) Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, and Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
- (b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars

(\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.

- (c) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.

1.8 Repeal and Relationship to Former By-laws

Insofar as it applies to the lands affected by this By-law, any By-laws passed under Section 34 of the *Planning Act*, R.S.O. 1990, or its predecessor, are hereby repealed.

The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

1.9 Validity

Should any Section or part of a Section of this By-law or Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.

1.10 Other By-laws, Licenses, Permits and Regulations

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or by any other law and restrictions lawfully imposed or in force by an authority having jurisdiction to make such restrictions.

1.11 Conflict

In the event of a conflict between this By-law and amendments thereto, and any general or special By-law, the most restrictive By-law shall prevail.

1.12 Interpretation

(a) **Interpretation**

The *Legislation Act*, S.O. 2006 applies to this By-law.

(b) **Definitions**

Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

(c) **Citation**

This By-law may be cited by its long title (“A By-law to Regulate the Use of Land, Buildings and Structures within the Town of Prescott”), its short title (“Town of Prescott Zoning By-law”) or its by-law number, and any such citation is to be taken as meaning the By-law as amended.

(c) **Gender Neutrality**

This By-law is gender neutral and, accordingly, any reference to one gender includes the other.

(d) **Reference**

Appendices, diagrams, glossaries, explanatory notes, headings, indices, marginal notes and references to former enactments or enabling legislation after a section or other division of the By-law, do not form part of the By-law and are inserted for convenience of reference only.

(f) **Measurement**

This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement. Imperial measurements are inserted for convenience of reference only. In this By-Law, the word "shall" is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future. Where linear distances other than those referring to vertical measurements are specified, such linear distances are to be measured on a horizontal plane.

Section 2

CONFORMITY REQUIREMENTS

Explanatory Note

This Section establishes the authority and legitimacy of the By-law. It is composed of statements which establish the primacy of the regulations stated within.

2.1 No land, building or structure shall be used and no building or structure shall be used, erected or enlarged, altered or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.

2.2 Subject to the granting of such minor variances as may be necessary, no lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure, lot or use of land to be in contravention of any provision of this By-law.

2.3 Where a use does not take place within a building, but a regulation in this By-law imposes a requirement premised on the use being in a building, the requirement applies as though the actual area occupied by the use was in a building.

2.4 Committee of Adjustment

Pursuant to the provisions of Sections 44 and 45 of the *Planning Act*, a duly appointed Committee of Adjustment is authorized to grant relief to any provisions of the Zoning By-law of the Town of Prescott, by way of granting a minor variance or by giving a permission for the enlargement or extension of a non-conforming use or to permit a change of use to a similar or more compatible use or to authorize a use that conforms with those permitted in the By-law, despite that a use, building or structure may be defined in general terms.

Criteria for evaluating Minor Variances (section 45(1) of the *Planning Act*):

1. The general intent and purpose of the Official Plan are maintained;
2. The general intent and purpose of the Zoning By-law are maintained;
3. The variance is minor; and
4. The proposed use of land, building or structure is desirable for appropriate development.

Application has to meet all four tests to be approved.

Section 3 DEFINITIONS

Explanatory Note

For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. In this By-law, the word "shall" is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word "used" includes "arranged", "designed" or "intended to be used". The word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

General

Definitions of words and phrases used in this By-law that are not included in the list of definitions in Section 3 shall have the meanings that are commonly assigned to them in the context in which they are used as defined in a dictionary.

3. A

Accessory

When used to describe a use, building or structure, shall mean a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. *Examples of accessory buildings or structures are a detached garage, a storage shed, a swimming pool or a satellite dish. Examples of accessory uses are a home based business, an apartment above a store, or a retail outlet within a manufacturing plant.*

Accessory Building – see **Accessory**

Accessory Dwelling

Shall mean a fully-detached dwelling which is accessory to a permitted non-residential use.

Accessory Apartment

Shall mean a separate and self-contained dwelling unit (e.g. includes cooking, sanitation and sleeping facilities) in or added to a single detached dwelling unit and which has a separate entrance.

Accessory Dwelling Unit

Shall mean a self-contained dwelling unit which is part of and accessory to a permitted non-residential building other than an *automobile service station* or an *automobile repair garage*.

Accessory Structure – see **Accessory**

Accessory Use – see **Accessory**

Adult Entertainment Establishment

Shall mean any premises or part thereof in which the pursuance of a business provides goods, entertainment or services that are designed to appeal to the erotic or sexual appetites or inclinations.

Adult Video Rental and Sales Outlet

Shall mean an establishment where pre-recorded video tape, video discs, game cartridges, video cameras or video players/recorders are offered for rent or rented as a principal or accessory business activity and includes the sale of electronic home entertainment products, computer disks, software, CD-ROMs or other computerized systems designed or advertised as designed to appeal to erotic or sexual appetites or inclinations.

Adverse Effect

In accordance with the *Environmental Protection Act*, adverse effect shall mean one or more of:

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property or to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person
- (f) rendering any property or plant or animal life unfit for use by man,
- (g) loss of enjoyment of normal use of property, and
- (h) interference with the normal conduct of business.

Aisle

Shall mean the travelled way by which motor vehicles enter and depart parking spaces.

Alter

- (a) When used in reference to a *building, structure* or part thereof, shall mean:
- i) to change any one or more of the internal or external dimensions of such building or structure; or
 - ii) to change the type of construction of the exterior walls or roof of such building or structures; or
 - iii) to change the use of such building or structure or the number or types of uses or *dwelling units* contained therein.
- (b) When used in reference to a *lot* shall mean:
- iv) to change the boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of the lot, or otherwise; or
 - v) to change any dimension or area, relating to such lot (*e.g. width, depth or area of a lot or required yard, landscaped open space or parking area*); or
 - vi) to change the use of such lot or the number of uses located thereon.
- (c) When used in reference to a shoreline shall mean:
- vii) to change, straighten, divert or interfere in any way with the channel of any watercourse.

Altered and alteration shall have corresponding meanings.

Ambulance Facility

Shall mean a building or part of a building where professional paramedics and personnel are stationed and their vehicles and equipment are kept.

Ambulance Service

Shall mean an ambulance service, which is licensed by the Ministry of Health and Long Term Care in accordance with the *Ambulance Act*.

Amenity Space

Shall mean the total area or areas within a lot provided for the use of the residents of a residential building or a commercial building containing residential units located on the lot for the purpose of personal recreation space or shared recreation space.

Antique Store

Shall mean a retail store selling any old and authentic objects of personal property which were made, fabricated or manufactured which have a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand had attained a value in a recognized commercial market which is in excess of its original value.

Apartment Building - see Dwelling - Apartment

Apartment Hotel

Shall mean a hotel where a number of the living accommodation units may be dwelling units.

Arcade or Video Arcade

Shall mean an establishment where more than three amusement machines are available for public use and are operated for commercial gain, but does not include premises licensed to serve alcohol, a seasonal agricultural fair, an amusement park or the premises of a non-profit organization, association, institution or club which is operated for social, educational, recreational, religious or fraternal purposes.

Art Gallery

Shall mean a building, place or area where paintings, sculptures or other works of art are exhibited or sold.

Artisan Shop or Studio - see Studio

Assembly Hall - see Place of Assembly

Attached

Shall mean a building or structure otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent building or buildings.

Attic

Shall mean that portion of a *building* immediately below the roof and wholly or partly within the roof framing, which is not used as a habitable room.

Auction Hall

Shall mean a *building*, a *structure* or parts thereof, or any lands or premises used for the storage of goods or materials which are to be sold on the premises by public auction, and for the sale of the said goods and materials by public auction. An auction barn shall be included within this definition.

Auditorium - see **Place of Assembly**

Automobile Body Shop

Shall mean a *building* or establishment with a service bay or paint booth, where painting, refinishing, restoration, alterations, or repairs are made to motor vehicles and where the services are performed for gain or profit, but does not include a salvage yard. [see **Wrecking or Salvage Yard**]

Automobile Rental Establishment

Shall mean an establishment engaged in the rental of passenger automobiles, recreational vehicles or trucks without drivers and where such vehicles may be dropped off or picked up.

Automobile Repair Garage

Shall mean the use of land or a *building* for the storage, repair and servicing of motor or recreational vehicles, having at least one (1) service bay where repairs essential to the actual operation of a motor vehicle are performed and where the services are performed for gain or profit.

Automotive Sales Establishment

Shall mean land or buildings or an establishment used principally for the display, storage and sales or leasing, or renting of new and/or used motor and recreational vehicles and related products, and may include *accessory*

uses such as an *Auto Repair Garage* and/or *Auto Body Shop*, as defined, administrative offices and a customer lounge.

Automobile Service Station

Shall mean a place for sale of fuel, lubricants and accessories for motor vehicles or recreational vehicles to the consumer and having at least one (1) service bay where repairs essential to the actual operation of motor vehicles may be performed. *Accessory uses* may include rest rooms, the incidental sale of packaged foods, beverages and convenience goods. [see also **Gas Bar**]

3. B

Bakery

Shall mean a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a *restaurant* or other premises where any such product is made for consumption on the premises or a bake shop.

Bake Shop

Shall mean a shop where products of a *bakery* are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

Balcony

Shall mean an open platform projecting from the face of a building's wall, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.

Bank

Shall mean a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

Banquet Hall Facility

A service commercial establishment used for the purposes of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and/or served on the premises, but does not include a caterer's establishment.

Basement

Shall mean a *storey* or storeys of a *building* located below the first storey. The *first storey* is the storey with its floor closest to grade and having its ceiling more than one half above the *established grade* [see illustration under *cellar*].

Bed and Breakfast Establishment

Shall mean a *single detached dwelling* in which no more than four (4) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment shall be occupied by the owner of the dwelling unit or the lessee of the entire unit and may offer meals to those persons temporarily residing in the establishment (guests), but shall not offer services to non-guests.

Bicycle Parking Space

Shall mean an area designated for the parking and locking of a bicycle on or in a *bicycle stand*.

Bicycle Stand

Shall mean a piece of equipment made of a solid material used for the purpose of placing a bicycle on, in or beside in order to lock the bicycle to the stand.

Biker's Bunker

Shall mean a facility or building or part thereof used by affiliated individuals that is designed, constructed and/or built to be *fortified* and impenetrable by police authorities.

Bingo Hall

Shall mean a *building* or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act* and is in compliance with municipal by-laws and approvals.

Block

Shall mean an area bounded on four sides by *streets* or by one or more natural or human-made barriers, such as a river or a railway.

Block Face

Shall mean one side of a *block*.

Boarding House or Rooming House

Shall mean a *dwelling* within which a proprietor supplies for a fee, sleeping accommodation with or without meals, for five (5) or more persons but does not include a *bed and breakfast establishment*, a *hotel*, a *hostel*, a home for youth, *Home for the Aged*, group home or other establishments otherwise classified or defined in this by-law.

Boat Slip, Seasonal

Shall mean a mooring space that is provided for the use of a boat for a period of greater than seven (7) consecutive days.

Boat Slip, Transient

Shall mean a temporary mooring space that is provided for the use of visitors arriving and departing by boat which is moored in the said space for a maximum of seven (7) consecutive days.

Breeze way

Shall mean a roofed open passage connecting two or more buildings.

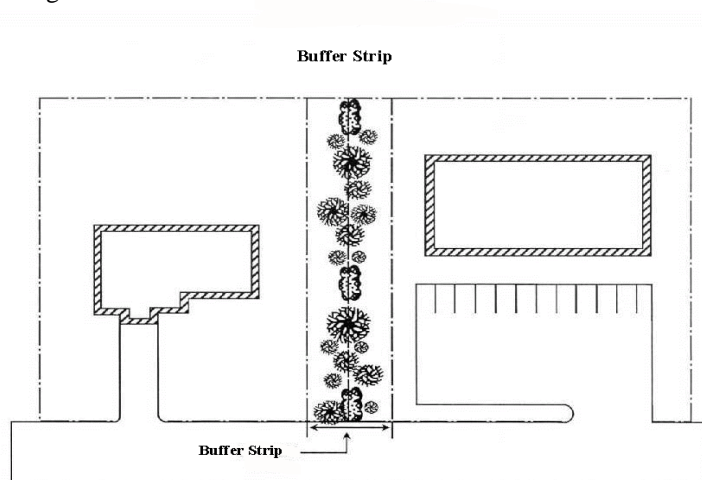
Brownfield Site

Shall mean undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (Provincial Policy Statement)

Buffer Strip

Shall mean a landscaped or planted area reserved for the purpose of screening or obstructing the view of *buildings*, land or *structures* or shielding of blocking noise, lights or other nuisances by the planting of trees and shrubs or fences. (See Figure 1)

Figure 1



Building

Shall mean any *structure* used or intended for sheltering any use or occupancy, but does not include a sewage system. (See Figure 2)

Building, Accessory - see **Accessory**

Building Envelope

Shall mean the buildable area on a *lot*, defined by all of the required *yards* and setbacks and the maximum height provisions, within which a building can be erected (see illustration).

Building Height - see **Height**

Building Inspector or Building Official - see **Chief Building Official**

Building Line

Shall mean a line within a *lot* drawn parallel or concentric to a *lot line* establishing the minimum distance between that lot line and any portion of a building or structure which may be erected under the provisions of this By-law. (See Figure 3)

Building, Main

Shall mean a *building* in which is conducted the principle uses of the *lot* on which it is situated. In any residential zone a *dwelling* containing one or more *dwelling units* shall be deemed to be the main building on the lot on which it is located. (See Figure 3 and Figure 17)

Building, Mixed Use

Shall mean a development project containing more than one land use category (i.e. retail commercial and residential, office and residential, industrial and retail commercial, office and retail commercial) that are conceived and designed as a single structure.

Figure 2

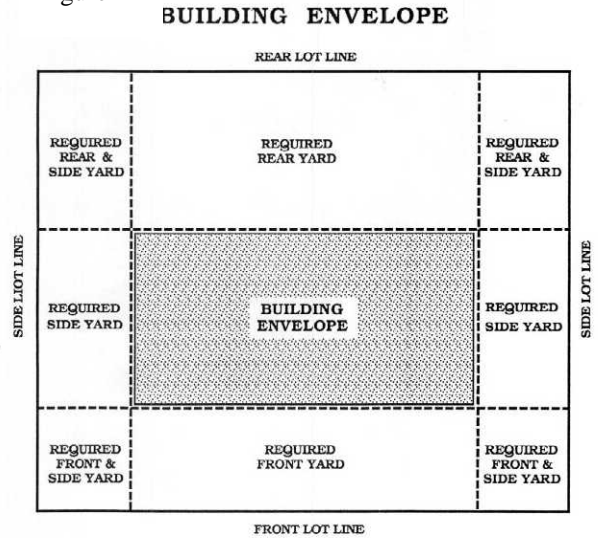
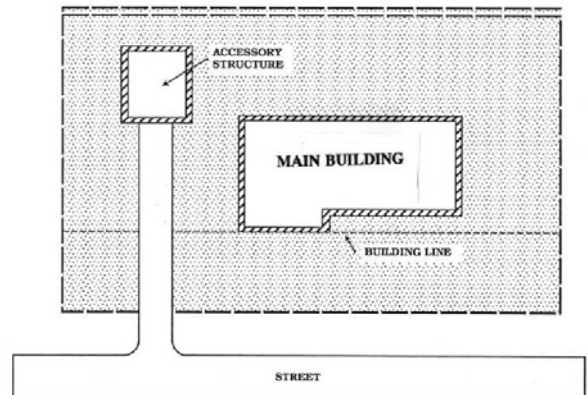


Figure 3



Building Separation

Shall mean the least horizontal distance permitted between the nearest portions of the walls of any *buildings* on a *lot*.

Building Supply Store or Depot

Shall mean a *building* where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, hardware, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail or wholesale sale and may include a *Bulk Storage Yard*. Uncovered storage of such building supplies shall be permitted in association with a building supply store or depot, provided such storage is within an area which is fully screened from streets and adjacent properties by means of fencing and/or landscaping features. This definition shall not include a *wrecking yard*.

Building, Temporary

Shall mean a building intended for removal or demolition within a prescribed time, as set out in a building permit.

Bulk Fuel Depot

Shall mean lands, *buildings* and *structures* for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

Bulk Storage Yard

Shall mean a place where land is used for the storage in the open or partially sheltered, of goods and materials and without limiting the foregoing shall include lumber, building supplies, construction equipment, but shall not include a *wrecking yard*.

Business, Professional and/or Administrative Office

Shall mean a *building* used for the purpose of providing accommodation for the offices of a professional person or persons employed in administering, directing, managing or conducting the affairs of a business or enterprise and for any purpose incidental thereto and may include the office of a non-profit or government organization.

Business Service Establishment

Shall mean an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising

and mailing, building maintenance, employment services, protective services, and small equipment rental, leasing and repair.

By-law Enforcement Officer

Shall mean the officer or employee of the *Corporation* charged with the duty of administering and enforcing the provisions of municipal by-laws.

3. C

Call Centre

Means a building or part thereof where quantities of incoming and/or outgoing calls are handled by people, telephones and computers which are related to customer support, credit services, card services, inbound and outbound telemarketing, interactive voice response and web-based or similar services.

Canopy

Shall mean a roof-like *structure* projecting from the exterior face of a *building* or is a stand-alone structure over a pump island or *gas bar*.

Capacity – see Seating Capacity

Card Lock Facility

Means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

Figure 4

Car Port

Means a partially enclosed *structure* intended or which is used for the storage of one or more motor vehicles. (See Figure 4)

Car Wash

Shall mean a *building* or *structure* containing facilities or equipment for washing motor



vehicles by production line methods and may include the incidental sale of fuel (e.g. gasoline, diesel fuel, propane). This definition shall also include a self-service car wash.

Casino

Shall mean any place where games such as blackjack, roulette and approved forms of wheel of fortune, video lottery terminals, slot machines, amusement machines are played by the public and supervised by an organization licensed to carry out such a function by the provincial gaming commission and in which *accessory uses* may include an *eating establishment, parking area* and similar support facilities.

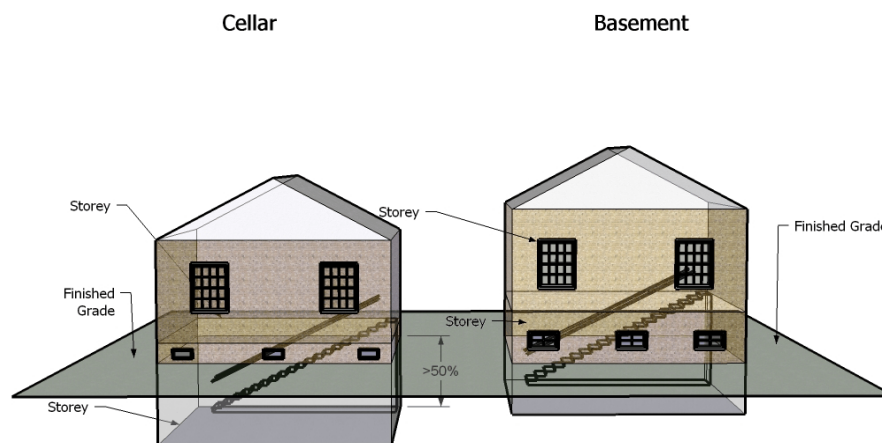
Catering Establishment

Shall mean a commercial establishment or *home based business* in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out.

Cellar

Shall mean any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling). [See also *Basement* and Figure 5]

Figure 5



Cemetery

Shall mean a cemetery within the meaning and as regulated by the *Cemeteries Act*.

Chief Building Official

Shall mean an officer or employee of the *Corporation* charged with the duty of enforcing the provisions of the *Building Code Act*.

Church - see Place of Worship

Cinema/Theatre

Shall mean a building or part of a building used for the commercial presentation of motion pictures, theatrical and other staged entertainment, but specifically excludes a drive-in theatre.

Clinic

Shall mean a building or part of a building used solely for the purpose of consultations, diagnosis and treatment or therapeutical treatment of patients, by legally qualified medical professionals (*e.g. physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners*) together with their qualified assistants and without limiting the generality of the foregoing, the **building** may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Commercial Parking Lot

Shall mean an open area other than a street, forming the principal use of the land which is used for the temporary parking of two or more motor vehicles for profit or gain.

Commercial Vehicle

Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highway.

Communications Facility

Shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, significant antenna, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility.

Community Centre - see Place of Assembly

Computer/Data Centre

Shall mean a premise used for computer programming and data processing.

Condominium

Shall mean a *building* or part thereof which is held in separate private ownership and to which or in which common elements are owned by the tenants in common (e.g. recreation facilities, open space, outdoor areas etc.) and which is administered and maintained by a corporation pursuant to the provisions of the *Condominium Act*. Such use may be for a residential, commercial or industrial use.

Conservation Use

Shall mean the use of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

Construction Yard or Contractor's Yard

Shall mean the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

Continuum-of-Care Facility

Shall mean a facility which may include a senior citizens apartment building, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve, the senior citizen population, such as hospitals, clinics, recreation centres, cafeterias and personal service establishments and may also include independent senior's accommodation in separate structures/living units that share in services, such as meals, medical care services, or recreation that are provided by the facility.

Contractor's Yard – see Construction Yard or Contractor's Yard

Convenience Store or Confectionary Store

Shall mean a *retail store* used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise or sundries as is required to fulfil the day-to-day needs of the surrounding neighbourhood and may include a *video rental outlet*.

Converted Dwelling - see **Dwelling, Converted**

Convention Facility - see **Place of Assembly**

Corporation

Shall mean the Corporation of the Town of Prescott except where reference is made in this by-law to a private corporation (*e.g. Section 1.6*), in which case the definition shall mean a body corporate with share capital to which the *Business Corporations Act* applies.

Correction Home - see **Group Home**

Cottage Industry - see **Home Based Business**

Council

Shall mean the Council of the Corporation of the Town of Prescott.

Coverage - see **Lot Coverage**

Crisis Care Facility

Shall mean a *building* or part of a building which is used to provide for the supervised residency of persons requiring immediate emergency shelter and aid for a short to interim period of time and without limiting the generality of the foregoing, includes a facility for battered or abused adults and/or children or elderly persons.

Custom Workshop

Shall mean a *building* or part thereof where individual custom productions of goods or materials are made but does not include any establishment where the manufacture of goods or materials is performed on a mass production or assembly line basis nor any shop or factory otherwise defined in this by-law.

3. D

Day Lighting Triangle - see **Sight Triangle**

Day Nursery

Shall mean a place wherein the temporary care of children is provided in facilities and by staff licensed by the Province of Ontario and operated in accordance with the provisions of the *Day Nurseries' Act*.

Deck

Shall mean a *structure* abutting a *dwelling* or *building* with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Density

Shall mean the ratio between the number of dwellings and the area of a lot, excluding streets but not excluding open space.

Department Store

Shall mean a building or part of a building wherein various goods, wares, merchandise, substances or articles are offered for retail sale directly to the public in various parts of such building and may include storage for such goods, wares, merchandise, substances, or articles.

Detached

When used in reference to a building or structure, shall mean a *building* or *structure* which is not structurally dependent on, nor adjoins on any side, any other building.

Development

Shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act* and shall be taken to include redevelopment, but does not include activities that create or maintain infrastructure authorised under an environmental assessment process, works subject to the *Drainage Act*, or underground or surface mining of minerals or advanced exploration on mining lands. (Provincial Policy Statement)

Dish Antenna - see **Satellite Dish**

Drive-in Restaurant -see **Restaurant**

Drive-in Trade

Means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in a motor vehicle that are in a designated stacking lane. A drive-through facility may be in combination with other uses such as a *laundromat*, *dry cleaning establishment*, branch of a *bank* or financial institution, *restaurant*, *retail store*, *automobile service station* or *drive through restaurant service*. A drive through facility does not include a *car wash*.

Driveway

Shall mean that portion of a front or side yard that provides access to, but does not constitute, one or more *parking spaces* as required by this By-Law. This area shall not comprise more than 50% of a *front yard* or *exterior side yard* on a *corner lot*.

Dry Cleaning Distribution Establishment

Shall mean a building used for the purpose of receiving goods of fabric primarily for distribution to a Dry Cleaning and Laundry Establishment. However, such establishment may also include the cleaning and associated processing on site of such goods of fabric as are brought by the household customer but shall not include the cleaning or associated processing of such goods of fabric as brought in bulk by non-household customers.

Dry Cleaning and Laundry Establishment

shall mean a building wherein the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal and/or pressing of articles, and/or goods of fabric is carried on, and may include a *Dry Cleaning Distribution Establishment*.

Duplex Building - see **Dwelling, Duplex**

Dwelling

Shall mean a *building* or part of a building occupied or capable of being occupied as the home or residence by one or more persons in which all usual domestic functions may be carried on but shall not include a *recreational vehicle*, *trailer*, *hotel* or *motel*.

Dwelling, Accessory -see **Accessory Dwelling**

Dwelling, Accessory Dwelling Unit - see **Accessory Dwelling Unit**

Dwelling, Accessory Apartment - see **Accessory Apartment**

Dwelling - Apartment

Shall mean a *building* containing three (3) or more dwelling units other than a row house.

Dwelling, Converted

Shall mean a *building* originally designed as a *single detached dwelling* which has or may be altered or converted to contain two (2) or more *dwelling units* but not more than four (4) dwelling units with or without separate entrances, none of which shall be located in the cellar but which may be located in the *basement*.

Dwelling - Duplex

Shall mean a *building* that is divided horizontally into two (2) *dwelling units*, each of which has an independent entrance. (See Figure 7)

Dwelling - Group or Group Housing or Group Housing Project

Shall mean a combination of dwelling types (*e.g. semi-detached, triplex, row housing, apartments*) where there are two or more such dwellings located on the same lot, which lot is retained under one ownership or registered and in compliance with the *Condominium Act*.

Dwelling – Maisonette

Shall mean a *dwelling* containing dwelling units each unit of which is a self-contained *dwelling unit* having two separate means of access. One of the means of access is from a common first storey corridor and the other directly from the outside landscaped yard area allocated to the dwelling unit.

Dwelling, Mobile Home - See **Mobile Home**

Dwelling - Modular

Shall mean a prefabricated *single detached dwelling* containing one (1) *dwelling unit*, built in accordance with the *Building Code* being so constructed or assembled that the shortest side of such dwelling is not less than 6 m [19.7 ft.] in width. (*Note: a prefabricated and a manufactured home shall have the same meaning. Such dwelling types are distinguished*

from mobile homes which are built on a chassis and transported on their own wheels.)

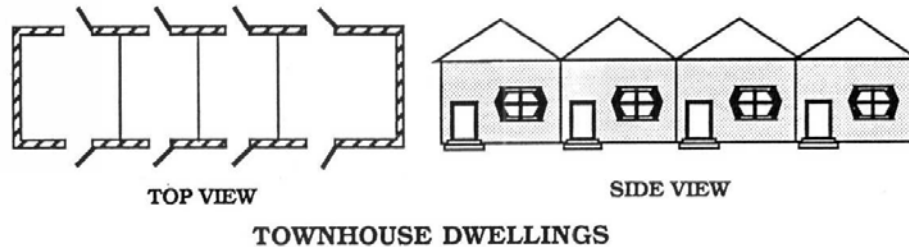
Dwelling - Row or Townhouse

Shall mean a **building** that is divided vertically into three (3) or more **dwelling units**, each of which has an independent entrance at grade.

(a) **Rowhouse, Interior:** Shall mean a row or townhouse with two common walls.

(b) **Rowhouse, End:** Shall mean a rowhouse with one common wall.

Figure 6



Dwelling - Multiple Unit

Shall mean a separate **building** designed exclusively to contain three (3) or more **dwelling units**.

Dwelling - Semi-detached

Shall mean a **building** on a single foundation that is divided vertically into two (2) separate **dwelling units** by a common wall. (See Figure 7)

Dwelling - Single-detached

Shall mean a detached **building** containing one (1) **dwelling unit**, and shall include a modular home. (See Figure 7)

Dwelling – Stacked Town House

Shall mean a group of three or more **dwelling units**, each unit having an independent entrance directly from outside. The units may be separated by common vertical walls, horizontal walls or a combination thereof.

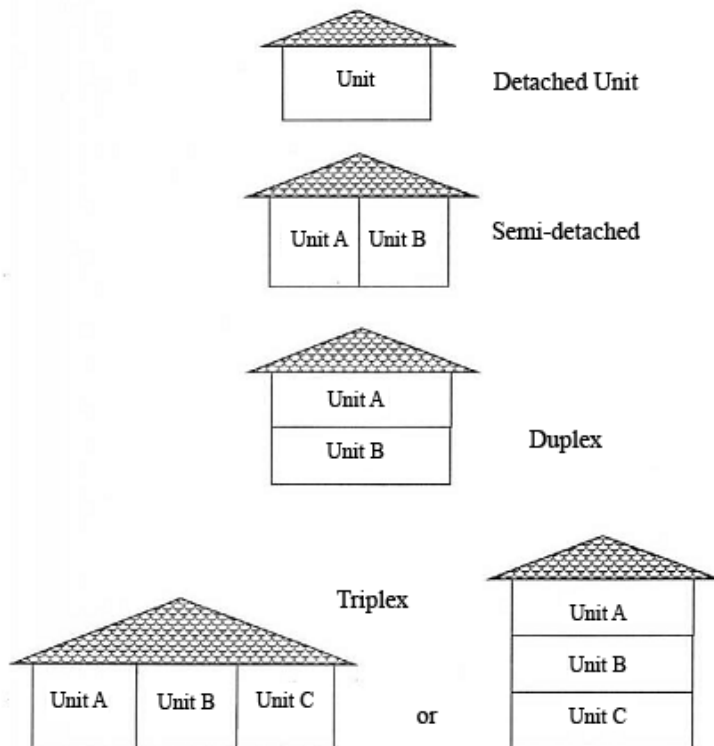
Dwelling, Two Unit

Shall mean a **dwelling** containing two **dwelling units**.

Dwelling - Triplex

Shall mean a **building** on a single foundation divided horizontally into three (3) separate **dwelling units**, each of which has an independent entrance either directly from the outside or through a common vestibule. (See Figure 7)

Figure 7 Illustrations of Dwelling Types



Dwelling Unit

Shall mean one or more habitable room or suites of two or more rooms, designed or intended for use by and occupied by one or more individuals as a household in which separate culinary and sanitary facilities are provided for the exclusive use of such household, and with a private entrance from outside the building or from a common hallway or stairway inside the building. A **mobile home** or **recreational vehicle** shall not constitute a **dwelling unit**.

Dwelling Unit Area

Shall mean the floor area of a **dwelling unit** measured within the interior faces of the exterior walls of the dwelling unit. The unfinished floor area

in the *basement* shall not be included in the calculations of the dwelling unit area.

Easement

Shall mean the legal right acquired by contract to pass over, along, upon or under the lands of another.

Eave

Shall mean a roof overhang, free of enclosing walls, without supporting columns.

Enclosure

Shall mean a fence, wall or other structure and may include doors, gates and vegetative components, but shall not include interlocking wire fence, barb-wire, spire tips, sharp objects or any device for projecting an electric current as per the Town's Fence By-law (By-law 07-2000).

Entertainment Establishment

Shall mean a *building* or premises used for a motion picture or cinema or other theatre, auditorium, public hall, billiard or pool room, bowling alley, arcade, ice or roller skating rink, dance or music hall but does not include any facilities otherwise defined in this by-law. [see also *Adult Entertainment Parlour, Bingo Hall, Arcade, Recreational Commercial Establishment*]

Equestrian Establishment

Shall mean an establishment primarily engaged in the operation of a horse riding academy or horse riding stables.

Equipment and Vehicle Storage Yard

Shall mean a *building* or part of a building where any equipment, vehicle, including commercial vehicles, and/or trailers may be serviced, washed or repaired and may include an *automobile body shop*.

Equipment Rental Establishment

Shall mean a *building* or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures and other goods.

Equipment Sales Establishment

Shall mean a building or part of a building or a place where machinery and equipment for use in industrial and major construction undertakings, commercial vehicles, and other similar goods are kept for sale at retail or wholesale.

Erect

Shall mean to build, construct, reconstruct, alter or relocate, enlarge and without limiting the generality of the foregoing shall be taken to include any associated physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension or other structural change.

Established Building Height

Shall mean the building height of the majority of existing buildings on one side of one block where more than one-half of the lots of the said side of the block have been built on.

Established Building Line

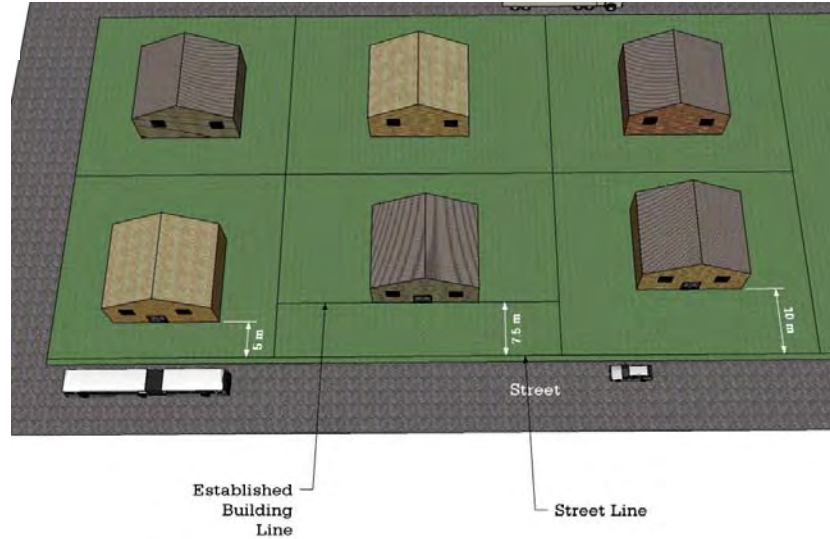
Shall mean the average setback from the street line of existing buildings on one side of one block where more than one-half of the frontage of the same side of a block has been built upon. (See Figure 8)

Established Grade

Shall mean:

- (a) when used with reference to a *building*, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps.
- (b) when used with reference to a *structure*, the average elevation of the finished surface of the ground immediately surrounding such structure;
- (c) when used with reference to a street, road or highway, the elevation of the street, road or highway established by the or other designated authority.

Figure 8



Existing

Shall mean existing as of the date of the final passing of this By-law by Council and shall also be known as the effective date.

Exterior Lighting

Shall mean any form of artificial illumination located outside of a building or structure.

Exterior Side Lot Line - see **Lot Line, Exterior Side**

Exterior Side Yard - see **Yard, Exterior Side**

3. F

Factory Outlet

Shall mean a **building** or part of a building where products or goods are manufactured or produced on site for wholesale or retail sale or are manufactured off-site for wholesale or retail sale.

Fairground

Shall mean land devoted to entertainment on a seasonal or temporary basis and may include grandstands, barns and other **accessory buildings**, normally associated with such a use.

Farm Supply Outlet

Shall mean the use of land, buildings or structures for the sale or repair of equipment and machinery directly associated with the operation of a farm.

Farmer's Market

Shall mean an establishment or premises where the farm products of a local farming community or crafts are sold at retail from covered or uncovered areas designed for individual retailers.

Fence

Shall mean any barrier or *structure* constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

Fire Station

Shall mean a *building* or part of a building where professional firefighters are stationed and their vehicles and equipment are kept.

Flea Market

Shall mean

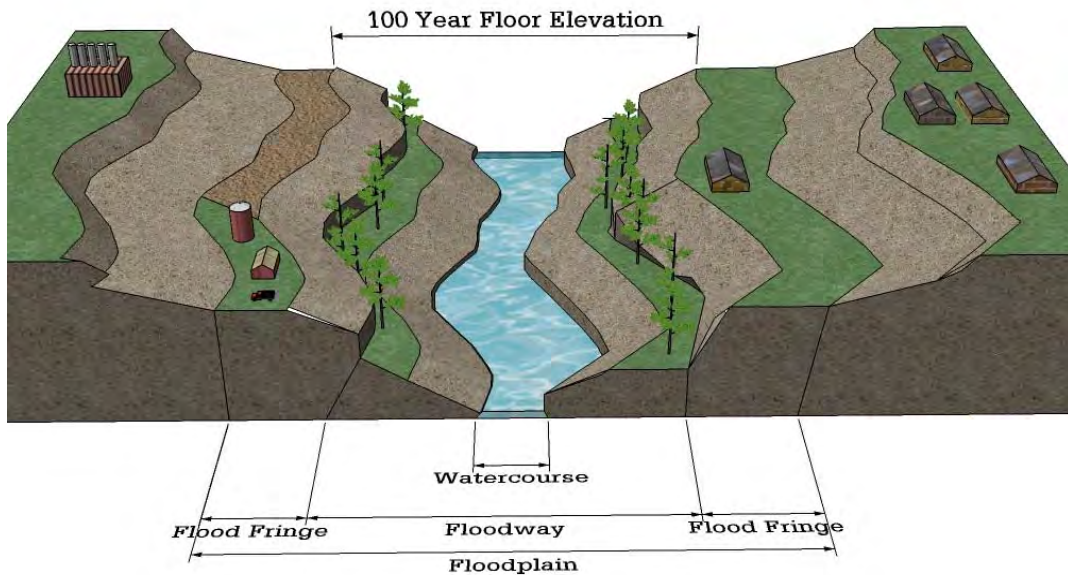
- (a) a *building* or part of a building where second hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined herein;
- (b) an occasional or periodic market or sales event held in an open area, which may include a street, or within a building or structure where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;
- (c) a *building* or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either home grown, home made, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.
- (d) a *building* or open area where food preserves or fresh produce or prepared foods are sold, but does not include a restaurant.

Flood Elevation – see Floodline

Flood Plain

For river stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards* (Provincial Policy Statement) (See Figure 9). The one-in-one-hundred year flood plain includes all lands below the regulatory flood elevation of 76.6 m [251.3 ft] contour along the St. Lawrence River.

Figure 9 **ILLUSTRATION OF FLOOD TERMS**



Flood Proofing Standard

Shall mean a combination of measures incorporated into the basic design and/or construction of buildings, structures or properties to reduce or eliminate *flooding hazards*, *wave uprush* and *other water-related hazards* along the shorelines of the Great Lakes, large inland lakes and *flooding hazards* along river, stream and small inland lakes. (Provincial Policy Statement)

Flooding Hazards

Means the inundation of areas adjacent to a shoreline or river or stream system and not ordinarily covered by water:

- (a) along the shorelines of the Great Lakes, the flooding hazard limit is based on the 100 year flood plus an allowance for wave uprush and other related water hazards.

- (b) along river and stream systems, the flooding hazard is the greater of the flood resulting from the rainfall experienced during a major storm, such as the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; or the one hundred year flood; or a flood which is the greater of the above which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as a standard for that specific area by the Ministry of Natural Resources. (Provincial Policy Statement)

Floodline or Flood Elevation

Shall mean a line established by a one in one hundred year storm as established by flood plain mapping (See Figure 9). The one-in-one-hundred year flood elevation of the St. Lawrence River is 76.6 m [251.3 ft].

Floor Area, Gross

Shall mean the total area of all floors contained within a building measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

Floor Area, Gross Leasable

Shall mean the portion of the total floor area of a building or structure designed and devoted to tenant occupancy but excludes common areas, public rest room facilities, walkways, stairwells, mezzanines and public malls, administrative offices and common utility rooms, loading and service areas and joint service facilities.

Floor Area, Net

Shall mean usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure but shall not include:

- (i) any private garage, porch, veranda, and unfinished basement, cellar or attic;
- (ii) any part of the building or structure below grade which is used for building services, storage or laundry facilities;

- (iii) any part of the building or structure used for the storage or parking of motor vehicles;
- (iv) any part of the building used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any automobile parking facilities provided within the building
- (v) any exterior area of a building enclosed by a *fence*, whether covered by a roof or not, or which constitutes a storage area or *outdoor display* area.

Floor Area Ratio

Shall mean the *gross floor area* of all buildings for a use or uses on a lot divided by the *lot area*.

Florist

Shall mean a *retail store* where flowers and plants or either in singular are sold or offered for sale to the public and such use may include the incidental raising and arranging of flowers and plants for sale in the store.

Food Supermarket

Shall mean a *building* or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis.

Forestry Use

Shall mean the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products and silva culture practices.

Fractional Ownership

Shall mean a form of tenureship where the title or deed of a property is divided into shares and those shares are owned by one or more individuals.

Front Lot Line - see **Lot Line, Front**

Front Yard - see **Yard, Front**

Frontage - see **Lot Frontage**

Fuel Storage Facility

Shall mean a tank, container or enclosure used for the bulk storage of gasoline, liquid or solid fuels.

Funeral Home

Shall mean a *building* or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, memorial services, provided such activities are clearly secondary and incidental to the main undertaking service.

3. G

Garage, Parking

Shall mean an enclosed structure used for the temporary parking of more than four (4) vehicles and available for public use either free, for compensation or as an accommodation to customers.

Garage, Private

Shall mean an *accessory building* or portion of a *main building* which is designed or used for parking or storage of motor vehicles and household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garage Sale/Household Sale

Shall mean the occasional sale by an occupant of a *dwelling unit*, on his or her own premises, of household goods belonging to him or her, but does not include a *flea market* or any retail sales.

Garden Supply Centre

Shall mean an outdoor area primarily used for the retail sale of gardening equipment, products and planting materials provided it is clearly *accessory* to a *retail store* and is enclosed by a wall, *fence* or other form of visual screen constructed of materials which will blend with the associated *retail store*.

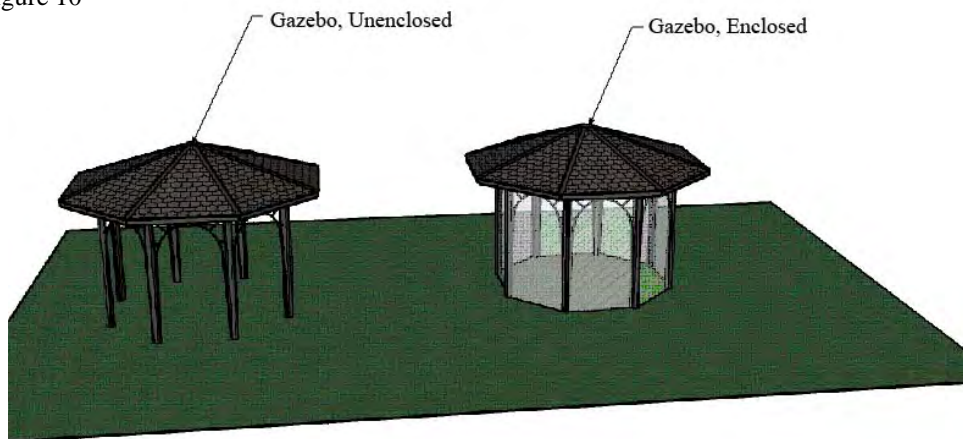
Garden Suite

Shall mean a one-unit detached residential **building** containing sanitary and kitchen facilities that is **accessory** to an existing permanent residential structure and that is designed to be portable, but does not include a **mobile home**, a **park model trailer** or a **recreational vehicle**. [also known as a **Granny Flat**]

Gas Bar

Shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a **building, structure** or booth which may be used by a sales attendant for the sale of gasoline products and convenience items (e.g. beverages, prepared foods, newspapers, sundries). A gas bar may also include sanitary facilities and an automated teller machine. [see also **Automobile Service Station**]

Figure 10



Gazebo

Shall mean a freestanding, roofed **accessory structure** which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this by-law. (See Figure 10)

Golf Course

Shall mean a public or private area operated for the primary purpose of playing golf but may also include such buildings and structures as are necessary for the operation and maintenance of the golf course and such club house facilities as restaurant, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with golf course development.

Government Facility

Shall mean a municipal office, court house, registry office, health and welfare centre, employment office, post office, police station or other office uses for purpose of local or other government administration.

Greenhouse

Shall mean a *building* for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse.

Green Roof

Shall mean a roof of a building where part of or all of the surface of the roof is intentionally covered with vegetative material.

Ground Floor

Shall mean the floor that is level with or immediately above grade.

Granny Flat -see Garden Suite

Group Dwelling

Shall mean a mix of two (2) or more dwelling types in separate buildings located on the same lot.

Group Home

Shall mean a single housekeeping unit in a residential dwelling, which is registered with the Corporation, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws.[see also **Crisis Care Facility**]

Guest Room

Shall mean a room or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

3. H

Habitable Room

Shall mean a room in a dwelling used or intended to be used primarily for human occupancy.

Heavy Equipment Repair Facility

Shall mean a *building* or part of a building in which heavy machinery and equipment are serviced and/or repaired.

Height

Shall mean the vertical distance between the *established grade* and:

- a. in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or;
- b. in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof. (see illustration)

Where the height is designated in terms of storeys, it shall mean the designated number of storeys above and including the *first storey*. A mezzanine floor or floors shall not be considered as increasing the height of a building in storeys, provided that their aggregate area does not exceed forty (40) per cent of the area of a room or *storey* in which they are located, provided further, that the space beneath the mezzanine is not enclosed and provided that the mezzanine overhang does not exceed forty (40) per cent of the least dimension on any room in which it is located. In calculating the height of a building, any construction used as ornament or for the mechanical operation of the building, such as a mechanical penthouse or a chimney, tower, cupola, steeple, church spire, antenna, ornamental dome, electrical apparatus, is not to be included. (See Figure 11 and Figure 12)

Figure 11

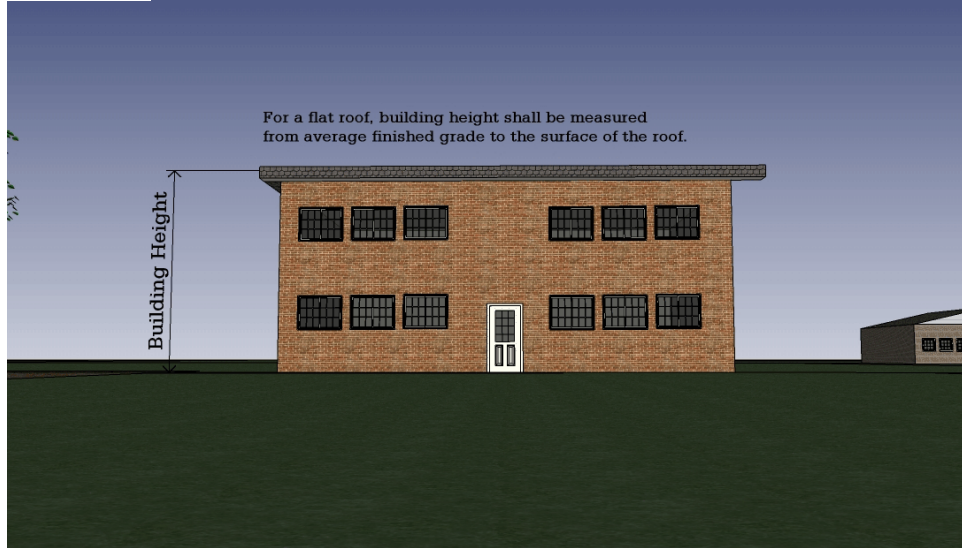
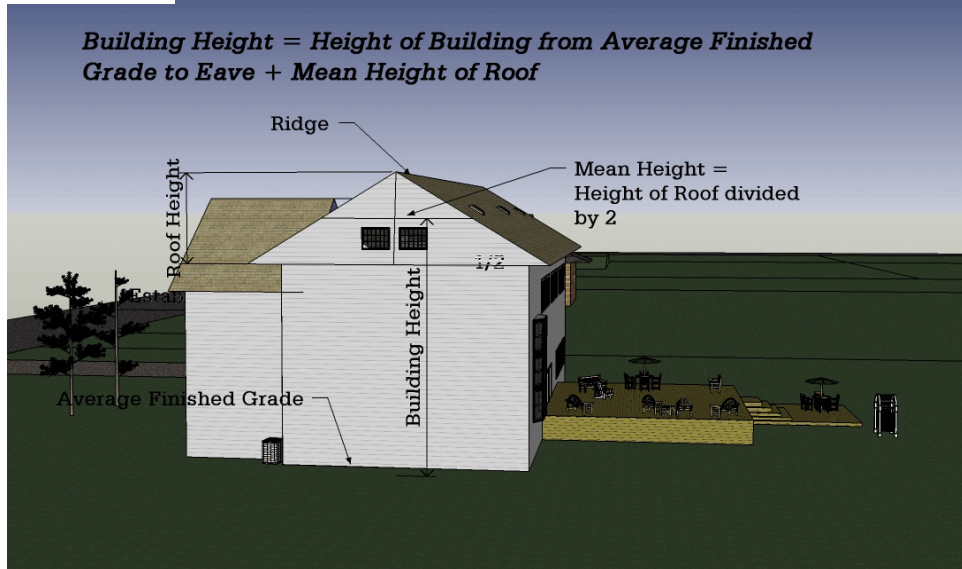


Figure 12



Heliport

Shall mean a landing area or pad used for the landing and take-off of helicopters and shall include all necessary and incidental emergency service facilities, fuelling facilities and passenger and cargo facilities.

Heritage Site

Heritage site means real property designated under Parts IV, V or VI of the *Ontario Heritage Act* or comparable federal legislation; heritage conservation easement property under Parts II or IV of the *Ontario*

Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

High Water Mark

Shall mean the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Highway

Shall mean a public improved road under the jurisdiction of the Provincial government.

Holding Zone

Shall mean a zone established under the enabling authority of Section 36 of the *Planning Act* where uses may be permitted subject to meeting certain conditions set out in the Official Plan.

Home for the Aged - see **Continuum-of-Care Facility**

Home Based Business

Shall mean a privately operated legal occupation, enterprise or business which is carried out as a use clearly *accessory* to a *dwelling unit* for pursuits conducted entirely therein by the occupant thereof and compatible with a domestic household.

Home Occupation - see **Home Based Business**

Hospital

Shall mean any institution, *building* or other premises or place that is established for the purposes of the treatment of patients and that is approved under the *Public Hospitals Act, RSO, 1990, c. P 40*.

Hostel

Shall mean an establishment in which individuals who are part of the travelling or vacationing public are accommodated in single, multiple or

dormitory suites which may be segregated or combined by gender for a single night or for less than a week at one time, and shall not include a *hotel, motel* or any type of inn.

Hotel

Shall mean a *building* designed or used for the accommodation of the travelling or vacationing public, containing therein ten (10) or more guest rooms served by a common building entrance, and includes a motor hotel. *Accessory uses* may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, or similar uses.

Household Sale – see **Garage Sale/Household Sale**

3. I

Impounding Yard

Shall mean a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an *automobile service station, gas bar, or salvage yard*.

Industrial Mall

Shall mean a *building* or group of buildings held in single ownership or by participants in a condominium corporation or cooperative, and divided into units for separate occupancy by different *industrial uses* for which common loading and parking facilities and other common services may or may not be provided.

Industrial Use

Shall mean the use of land, *building* or *structures* for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include a mine, pit or quarry or obnoxious industry. *Accessory uses* may include transportation, wholesaling, storage, shipping and receiving incidental to the industrial use.

Class I Industry - Light Industrial

Shall mean a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

Class II Industry - Medium Industrial

Shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractors yard.

Influence Area

Shall mean the area(s) at, above or below grade, associated with a facility that is subject to one or more ***adverse effects*** which may be of varying duration, frequency and distance of dispersal. This is an actual influence area. A potential influence area identifies where ***adverse effects*** are generally expected to occur. An influence area or potential influence area acts as a potential constraint for sensitive land use, or conversely on the establishment of a facility, unless evidence is provided that ***adverse effects*** are not a problem, or can be satisfactorily mitigated to the level of trivial impact.

Institutional Use

Shall mean any land, ***building, structure*** or part thereof used to provide non-profit or non-commercial purposes for governmental, educational, charitable, fraternal or other public services. (*Examples include a **place of assembly, administrative office, government or utilities, museum or police station.***)

Interior Lot – see Lot, Interior

Internet Café

Shall mean an establishment where one can use a desktop or laptop computer for free or for a fee. An internet café may include a restaurant where food and beverages are served.

3. J

Junk Yard - see **Wrecking Yard**

3. K

Kennel, Commercial or Boarding

Shall mean a *building* or structure where animals, birds or other livestock intended or used as domestic household pets or for working or sporting purposes and are kept or boarded. [see also **Veterinary Establishment**]

3. L

Laboratory, Film

Shall mean a *building* or part of a building or structure used for the filming of motion pictures, the development of film, or where research and/or testing is carried out.

Landscaped Open Space

Shall mean:

- a) a combination of trees, shrubs, flowers, grass and other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use;
- b) does not include parking areas, traffic *aisles* or driveways or ramps for vehicles.

Lane

Shall means:

- a) a subsidiary thoroughfare providing access from within a lot, principally from parking or *loading spaces* or from a lot to a *street*;
or

- b) a subsidiary public thoroughfare for the sole use of pedestrians and connecting *streets, open spaces* or buildings.

Laundromat

Shall mean a building containing one or more washers and drying, ironing, finishing and incidental equipment, provided that only water and soaps or detergents are used and provided that no such operation shall emit any noise, fumes or vibrations which cause a nuisance or inconvenience within or outside the premises.

Library

Shall mean a public, lending library.

Licensed Refreshment Sales Vehicle

Means a vehicle which is currently licensed pursuant to the *Highway Traffic Act* and which is equipped for the preparation, storage, heating, cooking, cooling or sale of foodstuffs or beverages within or from the vehicle and may include exterior seating (*e.g. picnic tables*).

Loading Space

Shall mean an off-street or bay located on a lot which is used or intended to be used for the temporary parking of any *commercial vehicle* while loading or unloading goods, merchandise or materials used in connection with the use of the lot or any building thereon, and which has unobstructed access to a street or lane.

Lodging House – see Boarding House or Rooming House

Long Term Care Facility – see Continuum-of-Care Facility

Lot

Shall mean a parcel of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

Lot Area

Shall mean the total horizontal area within the limits of the *lot lines* of a lot.

Lot, Corner

Shall mean a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one-hundred-and-thirty-five degrees (135°). (See Figure 14)

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

Lot Coverage

Shall mean the percentage of the *lot area* covered by the *ground floor area* of all buildings located thereon.

Lot Depth

Shall mean the horizontal distance between the *front* and *rear lot lines*. If the *front* and *rear lot lines* are not parallel, “lot depth” means the length of a straight line joining the middle of the *front lot line* with the middle of the *rear lot line*. If there is no *rear lot line*, “lot depth” means the length of a straight line joining the middle of the *front lot line* with the apex of the triangle formed by the side lot lines. (See Figure 17)

Lot Frontage

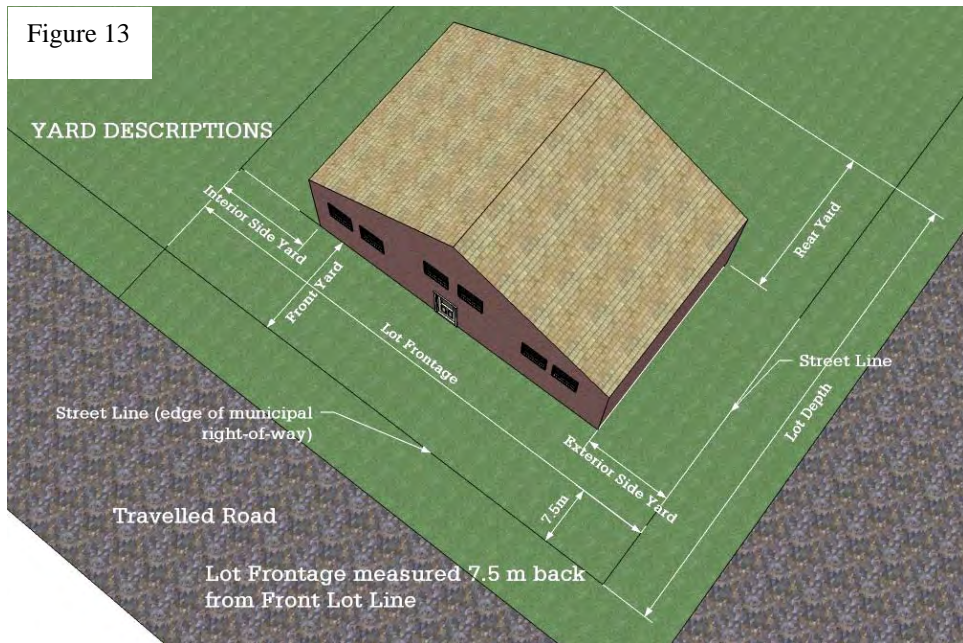
Shall mean the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersection of the side lot lines with a line 6 m [19.7 ft] back from and parallel or concentric to the *front lot line*. Arc distance shall apply on curved lines. (See Figure 13)

Lot, Interior

Shall mean a lot other than a corner or a through lot that is situated between adjacent lots and having frontage on one street. (See Figure 14)

Lot Line

Shall mean the boundary of a lot. (See Figure 14)



Lot Line, Exterior Side

Shall mean a *lot line* located between the *front* and *rear lot lines* and dividing the lot from a street. (See Figure 14)

Lot Line, Front

Shall mean:

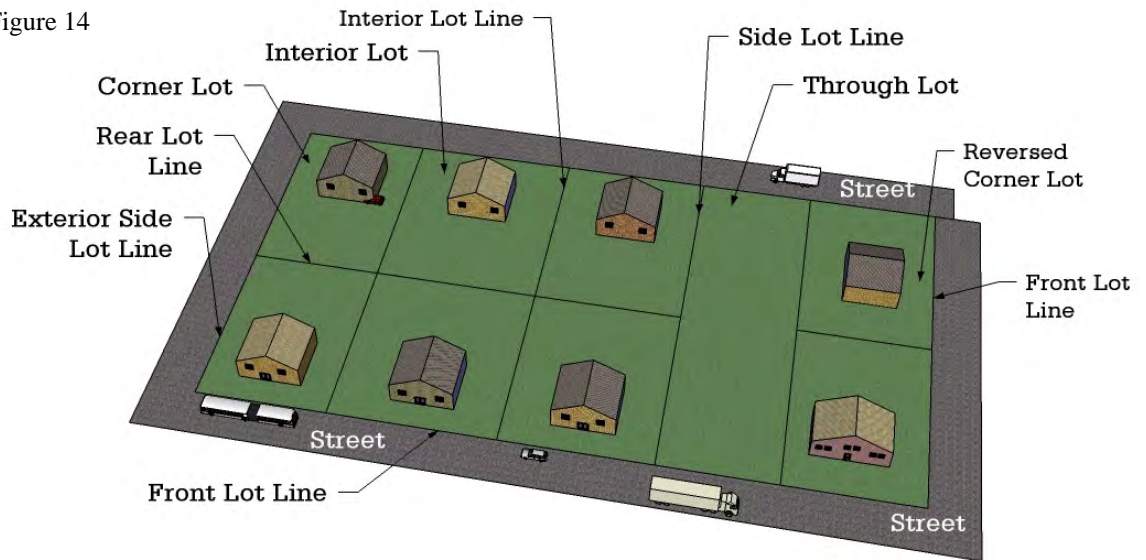
- (a) in the case of an *interior lot*, the line dividing the lot from the *street line* or street allowance or *private road*. (See Figure 14)
- (b) in the case of a corner lot, the shorter *lot line* abutting a street shall be deemed to be the front lot line and the longer *lot line* that abuts the street shall be deemed to be a side lot line. (See Figure 14)
- (c) in the case of a corner lot with two *street lines* of equal lengths, the *lot line* that abuts the wider street shall be deemed to be the front lot line, and in the case of both streets being of the same width, the *lot line* where the principal access to the lot is provided shall be deemed to be the front lot line. (See Figure 14)
- (d) in the case of a lot with water access only, the front lot line shall be on the water side.
- (e) in the case of a lot with frontage on a *street* or *private road* and on a *water body*, the front lot line shall be measured on the *street line*.

- (f) in the case of a **corner lot** abutting a 0.3 m [0.98 ft] reserve or other reserve, the lot line so abutting the reserve shall be deemed an **exterior lot line** and the other **lot line** abutting the street shall be deemed to be the **rear lot line**.
- (g) in the case of a **private road**, the **lot line** adjacent to the **private road** shall be deemed to be the front lot line.
- (h) in all other cases not described above, the front lot line shall be deemed to be where the principal access to the lot is approved.

Lot Line, Rear

Shall mean the lot line furthest from and opposite to the front lot line. (See Figure 14)

Figure 14



Lot Line, Side Interior (Side Lot Line)

Shall mean any lot lines other than the front lot line and the rear lot line. (See Figure 14)

Lot, Through

Shall mean a lot having a frontage on two parallel or approximately parallel streets. (See Figure 14)

Lot, Waterfront

Shall mean a lot abutting a **navigable** waterway.

Lot Width

Shall mean the shortest horizontal distance between the *side lot lines* measured through a point 6 m [19.7 ft] back from the mid-point of the *front lot line*.

Lumber Yard

Shall mean land, buildings and structures where the primary use is the storage of construction grade wood and building supplies for sale at retail or wholesale.

3. M

Main Building – see **Building, Main**

Main Wall

Shall mean any exterior walls of a *building* and all structural members essential to the support of fully enclosed space or roof exclusive of permitted projections.

Maisonette Dwelling – see **Dwelling, Maisonette**

Manufacturing Industry

Shall mean an industrial manufacturing or processing plant that is conducted within an enclosed building and is engaged primarily in the processing, finishing, refinishing assembly or similar production of various articles and commodities, and may include a laboratory and/or pharmaceutical plant, a plant for the assembly of scientific components, electronic and/or electrical equipment, custom workshops, factories, mills and similar productions facilities.

Marina

Shall mean a *lot, building* or *structure* on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels and lubricants, bait as well as the sale of foods, provisions or supplies as an *accessory use* may be provided. Sewage pump-out facilities for pleasure craft are permitted.

Marine Commercial Facility

Shall mean a *building* or *structure* used for boat repairs, sales, storage and service or other marine related commercial uses.

Marine Facility

Shall mean a non-commercial building or structure which is used to moor, berth or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boathouse, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure. A marine facility shall not include any building used as a *dwelling unit*.

Maximum

Shall mean the greatest number or amount permitted.

Medical/Dental Office

Shall mean a building or part of a building wherein health services are provided to the public in the form of a medical, paramedical, dental, surgical, physiotherapeutic, or other human health services including associated technician and laboratory facilities, and may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products normally sold in a pharmaceutical outlet, and optical equipment.

Medical Practitioner

Shall mean a doctor, dentist, chiropractor, osteopath, optometrist, dermatologist, or oculist duly qualified and licensed to practice medicine but does not include a veterinarian.

Miniature Golf Course

Shall mean an area of land or a building, structure or premises or part thereof, operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a driving range.

Minimum

Shall mean the least or smallest amount or number permitted.

Mixed-Use Development

Shall mean a development project that contains both residential and non-residential land uses planned, developed, owned and managed as a unit, providing common on-site parking, open space, access and other shared facilities and which may be held in single ownership or by participants in a condominium cooperative, and where the predominant use is either residential or offices.

Mobile Home

Shall mean any dwelling that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons but does not include a modular home, *recreational vehicle*, travel trailer, tent trailer or trailer otherwise designed.

Mobile Home Park

Shall mean land which has been provided for the location thereon of two or more occupied mobile homes.

Model Home

Shall mean a dwelling which is not occupied for human habitation but is used for the purpose of display to the public and where a portion of this dwelling may be used as a sales office for the dwelling units to be constructed on lots within a plan of subdivision.

Modular Home – see Dwelling - Modular Motel

Shall mean a building or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein ten (10) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment and meeting rooms.

Municipal Building

Shall mean any building owned and operated by the Corporation of the Town of Prescott.

Municipal Water Services

Shall mean a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

Municipal Sewer Services

Shall mean a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by the Town of Prescott.

Municipality

Shall mean the Corporation of the Town of Prescott

Museum

Shall mean an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of scientific, artistic, or historical interest, or other interests.

3.N

Navigable Waterway

Shall mean a navigable body of water or stream as deemed under the *Navigable Waters Protection Act*.

Negative Impacts

Shall mean:

- (a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity.
- (b) in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

Non-conforming

Shall mean that which does not conform, comply or agree with the provisions of this By-law.

Nursery

Shall mean **buildings**, land or **structures** used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping or orchard stock for wholesale or retail sale.

3. O

Obnoxious Use

Shall mean an offensive trade within the meaning of the *Health Protection and Promotion Act* or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.

Occupancy Permit

Shall mean a permit issued under the authority of the *Planning Act* by the **Chief Building Official** which indicates that the proposed use of the land or any building or structure on any such land is in conformity with this By-law (*e.g. examples of changes in use include conversion of a residential building to a lawyers office or professional office*).

Office

Shall mean a **building** or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities and professional offices, but shall not include the manufacturing of any product.

Official Plan

Shall mean the Official Plan of the Town of Prescott planning area or parts thereof and amendments thereto.

Open Space

Shall mean the open, unobstructed space on a **lot** including landscaped areas, pedestrian walkways, patios, pools, public artwork or similar areas but not including any driveway, ramp, **parking spaces** or **aisles, loading spaces** or manoeuvring areas and similar uses.

Open Storage

Shall mean the storage of goods, merchandise or equipment outside of a **building** or **structure** on a **lot** or portion thereof, including such uses as building materials supply yards but does not include the outdoor display of

a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement or the storage of *vehicles* or equipment for sale or repair.

Outdoor Display

Shall mean an area set aside outside of a building or structure, used in conjunction with a business located within the building or structure on the same property, for the display of sales or seasonal produce including garden supplies and Christmas trees, new merchandise or the supply of services.

Outdoor Patio - Commercial

Shall mean an area set aside outside that is covered or uncovered for the use of patrons as part of a licensed restaurant or tavern in connection with, and in addition to, the operation of the restaurant or tavern that is contiguous to the restaurant or tavern.

Outdoor Patio – Non-commercial

Shall mean an area set aside outside that is covered or uncovered for the use of residents of a building or users of a facility that is contiguous to the building.

3. P

Park, Private

Shall mean any open space or recreational area, other than a public park, owned and operated or maintained in whole or in part for profit by a private club or fraternal organization, operated on a commercial and/or private member basis, and may include therein one or more swimming, wading and boat facilities, picnic area, ski area, gardens, refreshment rooms or other areas for recreational activities. Such park may also include *accessory buildings* and *structures*.

Park, Public

Shall mean an area of public land specifically defined or set aside for use by and for the general public in both active and passive leisure and recreational uses, and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational or leisure facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park.

Parking Area

Shall mean a lot or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles *accessory* or incidental to uses in all zones, and shall not include the storage or parking of motor vehicles for hire and gain, display or for sale.

Parking Garage – see **Garage, Parking**

Parking Space

Shall mean an area used for the temporary parking of one motor vehicle and includes spaces for the handicapped.

Parking Space, Barrier-Free

Means an area of not less than 22.2 m² [238.9 ft.²] measuring a minimum of 3.7 m [12.1 ft.] by 6 m [19.6 ft.] exclusive of *driveways* or aisles, for the temporary parking of a *motor vehicle* used by a handicapped or disabled person(s).

Pawn Shop

Shall mean a commercial establishment where a pawnbroker offers money or monetary loans in exchange for an item (*e.g. jewelry, musical instrument, trinket, personal good*). Items can be either sold outright to a pawnbroker or be used as collateral on a monetary loan.

Pedestrian Plaza – see **Plaza, Pedestrian**

Person

Shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

Personal Service Establishment

Shall mean a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, shoe repair shop, self-service laundry or dry cleaning distribution station and similar uses.

Pharmacy

Shall mean a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

Pit

Shall mean land or land under water from which aggregate as defined herein is being or has been excavated in order to supply material for construction, manufacturing or industrial purposes, but shall not include rehabilitated land or an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

Pit, Wayside

Shall mean land from which unconsolidated aggregate is temporarily removed by means of open excavation for use in a public undertaking.

Place of Assembly

Shall mean a building specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion shows, public meetings, conference meetings and similar activities. Places of Assembly shall also include community centres, assembly halls, auditoriums and convention facilities.

Place of Worship

Shall mean a building or an open area dedicated to religious worship, but does not include a manse or rectory where established on a separate lot.

Playground

Shall mean a park or part thereof which is equipped with active recreational facilities oriented to children.

Plaza, Pedestrian

Shall mean a common open space at, or within 1.0 m [3.3 ft] of, grade and opening directly onto a street line or onto a front or exterior side yard.

Potential Influence Area – see Influence Area

Printing Establishment

Shall mean a *building* or part thereof used primarily for printing, regardless of the method, and publishing of general documents, newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

Private Club

Shall mean a *building* or part of a building used as a meeting place by an association of persons who are bona fide members, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational business or athletic purposes, but does not include a *banquet hall* or *biker's bunker*.

Private Road

Shall mean a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a *Public Authority*.

Public Authority

Shall mean the Corporation of the Town of Prescott and any Boards or Commissions thereof and any Ministry or Department of the Governments of Ontario or Canada, or the County of Leeds and Grenville or other similarly recognized *public utility* or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.

Public Service Use

Shall mean a building, structure or lot used for public services by the Town of Prescott or the County of Leeds and Grenville and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone communications facility, any telegraph or railway company, any company supplying natural gas, Hydro One, Conservation Authority, Public Utilities Company or similarly recognized agencies.

Public Storage – see Self Storage Establishment

Public Utility

Shall mean a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system,

street lighting system, natural artificial gas works or supply system, a transportation system or a telephone or communications system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such systems and which is operated by a public authority or a publicly governed company.

3. Q

Quarry, Wayside

Shall mean a place from which consolidated aggregate is temporarily removed by means of open excavation for use in a public undertaking.

3. R

Rear Lot Line – see **Lot Line, Rear**

Rear Yard – see **Yard, Rear**

Recreational Commercial Establishment

Shall mean an establishment, premises or building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses but does not include a casino or bingo hall.

Recreational Facility

Shall mean any building or structure or specific area planned for, used for, or related to intensive recreational activities and shall include campgrounds, picnic areas, beaches, change rooms, outdoor shelters, *playground* areas and equipment, hiking trails, sports fields and similar uses.

Recreational Use

Shall mean uses associated with leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sports participation and skill development, personal enjoyment and positive social interaction.

Recreational Vehicle

Shall mean any *vehicle* so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home. For the purposes of this definition, a recreational vehicle shall be considered a structure for the purposes of establishing setbacks only. A recreational vehicle shall not be deemed to include a mobile home or a manufactured home.

Recreational Vehicle Sales and Storage

Shall mean an area which is used for the display, storage and/or sale of boats, trailers, campers and other recreational vehicles.

Recycling Facility

Shall mean a recycling facility which, in addition to any activity permitted in a Residential and Other Source Recycling Facility, engages in the processing of non-hazardous recyclable materials such as textiles, leather, plastic, household appliances, and tires, but excluding construction and demolition waste materials.

Redevelopment

Shall mean the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites. Furthermore, redevelopment includes the removal or rehabilitation of buildings or structures and the construction, reconstruction, or erection of other buildings or structures in their place.

Refreshment Sales Vehicle – see **Licensed Refreshment Sales Vehicle**

Restaurant

Shall mean a building or structure where food is prepared and offered for sale to the public for consumption within the premises and may include a take-out facility clearly secondary to the principle use.

Restaurant, Drive-in

Shall mean a building or structure where food is prepared and offered for sale to the public for consumption within or outside the building or structure.

Restaurant, Take-Out

Shall mean a building or structure where food is prepared and offered for sale to the public to be taken out and/or delivered for consumption off the premises.

Retail Store

Shall mean a *building* or part of a building wherein merchandise is offered or kept for retail sale upon the premises but does not include any establishment otherwise defined or classified within this By-law with the exception of a *department store*. Storage of limited quantities of such merchandise, sufficient only to service such store and the servicing of such merchandise may be permitted in a retail store as ancillary uses, provided such uses are clearly necessary and secondary to the main retailing function of the store.

Retirement Home

Shall mean a residence providing accommodation primarily for retired persons or couples where each private living unit (bedroom or suite) has a separate private bathroom and a separate entrance from a common hall, but where common facilities for the preparation and consumption of food are provided and common lounges, recreational facilities, medical services and social and recreational facilities for the use by the inhabitants may be provided. (see also **Continuum-of-Care Facility**)

Right-of-Way – see **Private Road**

Road – see **Street**

3. S

Salvage Yard

Shall mean a *lot* and/or *building* or portion thereof where used goods, wares, merchandise, articles, *motor vehicles*, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a scrap metal yard, a recycling depot and an automotive wrecking yard on the premises.

Satellite Dish

Shall mean a structure designed and used for the reception of television signals related back to earth from a communications satellite.

Sauna

Shall mean an *accessory building* or *structure* or part of a building wherein facilities are provided for the purpose of inducing perspiration and may include a change room and shower.

School

Shall mean an institution for education or instruction as defined in the *Education Act* or the *Ministry of Colleges and Universities Act*, normally under the jurisdiction of a Board.

- (a) **Adult Secondary School** shall mean a Secondary School identified as a centre for learning for persons who are mature students (not of compulsory school age), attending to complete some or all of their secondary education.
- (b) **Commercial School** shall mean a school operated by one or more persons for gain or profit.
- (c) **College School** shall mean a college of applied arts and technology established under the *Ministry of Colleges and Universities Act*.
- (d) **Elementary School** shall mean a school under the jurisdiction of the Upper Canada District School Board, the Catholic District School Board of Eastern Ontario, le Conseil scolaire de district de l'Est de l'Ontario or le Conseil scolaire de district catholique de Centre-Est de l'Ontario, used primarily for the instruction of students receiving primary education.
- (e) **Private School** shall mean a school, other than an elementary school, secondary school, adult secondary school, community college school, school or a commercial school, under the jurisdiction of a private board of directors, trustees or governors, a religious organization or a charitable institution, used primarily for the instruction of students receiving primary and/or secondary education.
- (f) **Secondary School** shall mean a school under the jurisdiction of the Upper Canada District School Board, the Catholic District

School Board of Eastern Ontario, le Conseil scolaire de district de l'Est de l'Ontario or le Conseil scolaire de district catholique de Centre-Est de l'Ontario, used primarily for the instruction of students receiving secondary education.

- (g) **University School** shall mean a university designated by the *Ministry of Colleges and Universities Act*.

Seasonal Boat Slip – see **Boat Slip, Seasonal**

Seat

Shall mean a place on or in which one sits and where provided by benches, forms or pews, each 0.6 m [2 ft] of such seating shall be the equivalent of one (1) seat.

Seating Capacity

Shall mean the number of persons which can be accommodated in a building or structure or part thereof in a seated position on chairs, benches, forms or pews.

Secondhand Shop

Shall mean the use of land, building or structure or part thereof where used goods, wares, merchandise, substances or articles are offered or kept for sale, but shall not include the wrecking or dismantling of such.

Self Storage Establishment

Shall mean a building or buildings consisting of individual secured storage units accessible by the user, used for the storage of general merchandise, vehicles, furniture, household goods, foodstuffs, articles or things, but does not include a fuel storage tank except as an *accessory use*, which are generally accessible by means of individual loading doors.

Senior Citizens Dwelling

Shall mean a building or part of a building which is used to accommodate senior citizens.

Sensitive Land Use

Shall mean a *building*, amenity area or outdoor space where routine or normal activities occurring at reasonably expected times would experience 1 or more *adverse effect(s)* from contaminant discharges generated by the

nearby facility. The sensitive land use may be a part of the natural or built environment.

Service Shop

Shall mean a *building* or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof. Automobile repairs and services are not permitted under this definition.

Setback

Shall mean:

- (a) with reference to a street, the least horizontal distance between the front *lot line* and the nearest *building line*;
- (b) with reference to a private right-of-way, the least horizontal distance between the boundary of the right-of-way and the nearest *building line*;
- (c) with reference to a *waterbody*, the least horizontal distance between the *high water mark* and the nearest *building line*.

Shopping Centre

Shall mean a group of at least three (3) commercial and service establishments or retail stores which are designed, developed and managed as a unit, usually in a single building, having off-street parking provided on the site.

Shopping Plaza

Shall mean a group of at least three (3) commercial and service establishments or uses serving primarily the day-to-day needs of a residential area and designed, developed and managed as a unit whether by a single owner, a group of owners or tenants, acting in collaboration. Access to individual functions within a shopping plaza will generally be from an open area but may be from an enclosed area.

Shoreline

Shall mean those lands extending from the average annual water level which have potential and direct significant impact on near shore water and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

Showroom

Shall mean a part of a building, used as a building or contracting or wholesale establishment, which is integral to the permitted main use, used for the purpose of displaying wares and goods.

Side Interior Lot Line – see **Lot Line, Side Interior**

Side Yard – see **Yard, Side**

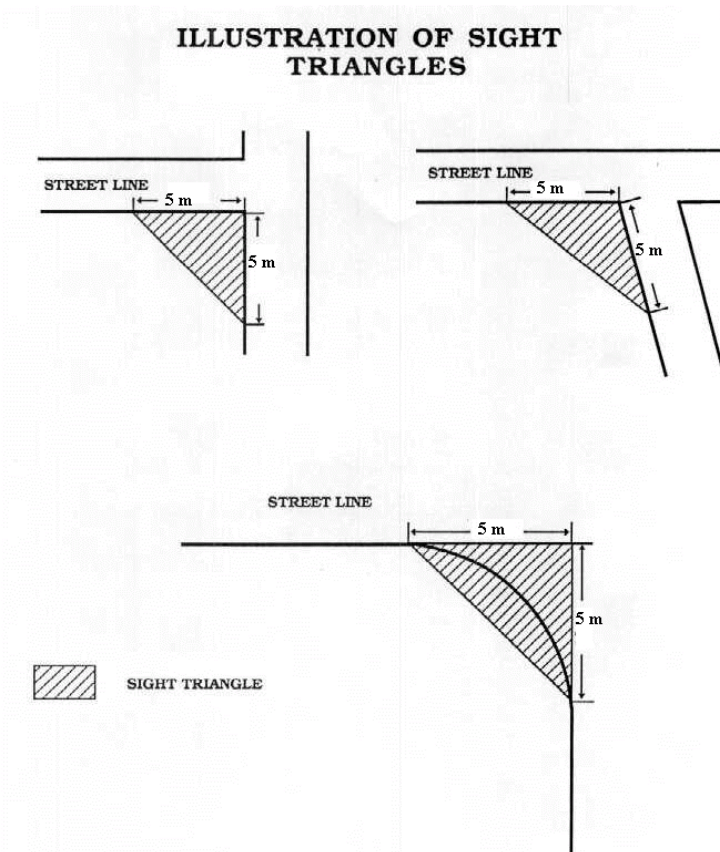
Side Exterior Yard – see **Yard, Side Exterior**

Side Interior Yard – see **Yard, Side Interior**

Sight Triangle

Shall mean a triangular space, free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, such point being the required sign distance from the point of intersection of the street lines as specified in this By-law. (See Figure 15)

Figure 15



Sign

Shall mean any writing, letter or numeral work, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

- (a) is a structure, or part of a structure, or which is attached thereto or mounted thereon; and
- (b) which is used to advertise, inform, announce, claim, give publicity or attract attention.

Solar Collector

Shall mean a device consisting of photovoltaic panels that collect solar power from the sun. A solar collector may be attached to a building or erected on a post(s).

Solarium

Shall mean a glassed-in structure or room projecting from an exterior wall of a building which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

Storey

Shall mean that portion of a building, other than a cellar or a *basement*, included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it. (See Figure 16)

Figure 16



Storey, First

Shall mean the lowest storey of a building, wherein the floor is generally at grade elevation.

Street

Shall mean a public or common highway affording principal means of access to abutting properties which has been assumed by a *public authority*.

Street Line

Shall mean the limit of the road or street allowance and is the dividing line between a lot and a *street* or *private road*.

Structure

Shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

Studio

Shall mean a *building* or *structure* or part thereof used:

- (a) as the workplace of a cabinetmaker, ornamental welder, photographer, artist or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale.
- (b) for the instruction of art, music, languages or similar disciplines.

Swimming Pool

Shall mean an open or covered pool which is at least 50 cm [19.6 in] in depth, and may include a hot tub or whirl pool.

3. T

Tavern

A building or part thereof where, in consideration of payment therefore, liquor, beer or wine or any combination thereof are served for consumption on the premises, with or without food, and is licensed under the *Liquor License Act*.

Taxi Dispatch

Shall mean a building or part thereof used as an office to dispatch taxis to their fares but shall not include a *Taxi Stand*. A Taxi Dispatch is an *accessory use* to a *Taxi Depot*.

Taxi Depot

Shall mean a parcel of land, or a building or structure, used for the parking, cleaning and minor maintenance of a taxi fleet. A *Taxi Dispatch* is an *accessory use* to a Taxi Depot.

Temporary Building – see **Building, Temporary**

Theatre – see **Cinema/Theatre**

Theme Park

Shall mean an entertainment or amusement facility or park developed around one or more themes.

Through Lot – see **Lot, Through**

Tourist Inn

Shall mean a building with historic and architectural merit in which five (5) to ten (10) guest rooms are made available for the temporary accommodation of the traveling public. Such an establishment may offer meals to guests staying at the inn.

Tourist Outfitters Establishment

Shall mean an establishment which operates throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Town

Shall mean the Corporation of the Town of Prescott.

Trailer

Shall mean a transport trailer which is not connected to the ground by means of services or a foundation.

Transient Boat Slip – see **Boat Slip, Transient**

Transportation Terminal

Shall mean an establishment where commercial vehicles are stored, repaired, washed or maintained and includes a bus depot.

Travel Plaza/Truck Stop

Shall mean an establishment designed to serve the needs of professional drivers and the travelling public, including automobile and vehicle fuel and repair services and *restaurants*, and may include related and ancillary services such as communication and delivery services, financial services, personal services, lodging for professional drivers, convenience and retail stores and amusement games establishments, but does not include *hotels* and *motels*. The components of a travel plaza/truck stop may be free-standing or combined in one building

3. U

Use

Shall mean the purpose for which any land, building, structure or any combination thereof is designed, arranged, occupied or maintained.

Utility – see **Public Utility**

3. V

Vehicle or Motor Vehicle

Shall mean a motor vehicle, traction engine, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

Vehicle Shelter

Shall mean a non-permanent shelter device consisting of a fabric cover erected to protect vehicles from rain, snow and other such weather elements.

Veterinary Establishment

Shall mean a building or a part of a building used by a veterinary surgeon for treating domestic animals, birds or other livestock, but shall not include a commercial kennel or research facility.

Video Rental Outlet

Shall mean a building or part of a building wherein the primary use is the rental of recorded video materials and may include the rental of video recorders, DVDs, video cameras and video games or similar uses or electronic devices and does not include an *adult video rentals or sales outlet*.

3. W

Warehouse

Shall mean a building or part of a building used primarily for the operation of general merchandise warehousing, cold storage and other storage facilities and includes a centre for distribution of wholesale goods and commodities for resale to retailers; to industrial, commercial, institutional or professional users; and/or to other wholesalers.

Water Frontage

Shall mean a lot which has one or more lot lines abutting a watercourse, bay or lake.

Waterbody

Shall mean any bay, lake natural watercourse, pond, river or canal, but excludes a drainage or irrigation channel.

Waterfront Commercial Marine Facility

Shall mean an establishment which shall include, but not be limited to, the following: marina, watercraft sales and servicing, commercial fish market, marine retail outlets, *tourist outfitters establishment, parks, open space*, waterfront trails, harbour office, pavilion, recreational buildings and uses, and *accessory uses* to the foregoing permitted uses.

Waterfront Lot – see Lot, Waterfront

Wayside Pit – see Pit, Wayside

Wayside Quarry – see Quarry, Wayside

Welding Shop

Shall mean a building or structure or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

Wellness Centre

Shall mean a *building*, or part thereof, used by professional therapists, chiropractors, drugless practitioners, professional trainers and nutritionists trained in a range of disciplines such as massage therapy, physiotherapy, naturopathic medicine, chiropractics, acupuncture, homeopathy, orthotics, health counselling and personal training and may include *accessory uses* at an accessory scale, such as administrative offices, physical fitness rooms and waiting rooms, directly associated with the facility, but excludes commercial recreation establishments.

Wholesale Establishment

Shall mean a *building* used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise or materials for resale or business use.

Wind Turbine, Small

Shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale. For the purposes of this by-law, a small wind turbine shall be considered an *accessory structure*.

Wind Turbine, Vertical Axis

Shall mean a wind energy conversion system consisting of blades rotating around a vertical motor shaft, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale. For the purposes of this by-law, a vertical axis wind turbine shall be considered an *accessory structure*.

Workshop or Custom Workshop

Shall mean a **building**, structure or part thereof where manufacturing is performed by a tradesman, requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

3. Y

Yard

Shall mean an open area on the same lot with a building or structure or excavation, unoccupied and unobstructed except for such **accessory buildings, structures** or **uses** specifically permitted in this By-law.

Figure 17



Yard, Front

Shall mean the space extending across the full width of a lot between the **front lot line** and the nearest part of any **main building** or structure for which such **yard** is required. (See Figure 17)

Yard, Rear

Shall mean a space extending across the full width of a lot between the **rear lot line** and the nearest part of any **main building** or structure for which such a **yard** is required. Where there is no rear lot line, the rear yard shall be measured from the intersection of the **side lot lines** to the closest point of the main wall of the **main building**. (See Figure 17)

Yard, Side

Shall mean a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest part of any *main building* or structure for which such *yard* is required.

Yard, Side Exterior

Shall mean a *side yard* immediately adjacent to a *street*. (See Figure 17)

Yard, Side Interior

Shall mean a *side yard* other than an *exterior side yard*. (See Figure 17)

Yard Sale – see **Garage Sale/Household Sale**

3. Z

Zone

Shall mean a designated area of land use demarcated on the schedules attached hereto.

Section 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the By-law states the regulations which apply regardless of the specific zoning. Whereas the zones provide site specific controls corresponding to such items as permitted uses and locational restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.

*Note: words or text shown in **bold italic script** are defined in the Definitions Section (Section 3) of this By-law.*

4.1 Accessory Apartments

One *accessory apartment* dwelling unit, as herein defined, shall be a permitted use within any *single detached dwelling*.

4.2 Accessory Buildings, Structures and Uses

4.2.1 Where a lot is devoted to a permitted use, *accessory uses, buildings* and *structures* are authorized subject to the following provisions.

(a) Accessory uses to be on Same Lot

All *accessory uses, buildings* and *structures* to a permitted main principal use shall be located on the same lot and in the same zone as the principal use.

(b) Accessory Building to be Behind Front Lot line

Except as otherwise provided by this By-law, any *accessory building* which is not part of the *main building*, shall be *erected* to the rear of the main wall of the *main building* for the *front* or *exterior yard*, or the extension of the building line of the main wall to the *side lot line* and shall comply with the minimum *yard* requirements of the zone in which such building is being *erected*. (See Figure 17)

(c) Maximum Lot Coverage

Accessory buildings, structures and *uses*, excluding in-ground *swimming pools*, shall be comprised within the calculation for the purposes of conformity to Zone Requirements. The total *lot coverage* of all *accessory buildings* and *structures* (deck or

sundeck excluded) shall not exceed 10% to a maximum of 60 m² [645.9 ft²] in a residential zone.

(d) Accessory Dwelling

The use of any *accessory building* for human habitation is not permitted except where an *accessory dwelling* is a permitted use. *Accessory dwellings* shall conform to the setback requirements of the main permitted use(s).

(e) Accessory Buildings Prior to Erection of Main Building

No *accessory building* shall be *erected* prior to the erection of the *main building* on the same lot, except where it is necessary for the storage of the tools, and materials for the use in connection with the construction of the *main building* or structure, and no such *accessory building* shall, prior to the erection of the *main building*, be used for any purpose other than storage.

(f) Gate House

A gate house shall be permitted in the front or side yard of any industrial zone or in the area between the street line and the required setback.

(g) Vehicle Shelters

A *vehicle shelter* shall be permitted as an accessory use to a permitted residential use in the R1 Zone. No vehicle shelter shall be permitted where it causes a visual obstruction to traffic and/or constitutes a threat to public safety. A vehicle shelter shall not exceed a height of 3 m [9.84 ft] and the minimum *setback* from a *front lot line* shall be 1.5 m [4.9 ft] and the minimum setback from a *side lot line* or *rear lot line* shall be 1 m [3.28 ft].

(h) *Accessory buildings* or *structures* shall not be located closer than 1 m [3.28 ft] to any *interior side lot line* or any *rear lot line* except for common *garages* which may be centred on the mutual lot line and *marine facilities* may be built up to a *lot line* that corresponds to the water's edge.

(i) *Accessory buildings* or *structures* shall not exceed one (1) *storey* or 4.5 m [14.8 ft] in a residential zone, and shall not exceed 10 m [32.8 ft] in any commercial, industrial or institutional zone.

- (j) *Accessory buildings* or *structures* shall not be located within 2 m [6.6 ft] of the *main building*.
- (k) Any building or structure which is structurally attached to the *main building* will not be considered *accessory* for the purposes of this By-law.
- (l) The maximum number of *accessory buildings* on a *lot* shall be two (2).

4.2.2 Swimming Pools

Private *swimming pools*, both above-ground and in-ground both open and covered, shall be permitted subject to any By-law of the Town of Prescott regarding *swimming pools* and the following requirements:

- (a) **Open Pools**
 - (i) Open pool areas shall be totally enclosed by a *fence* and a self-locking gate, each constructed of suitable materials, and each having a minimum height of 1.5 m [4.92 ft] to prevent unauthorized entry;
 - (ii) Where a pool is an above-ground pool, any combination of the pool wall, surrounding fence or structure totalling a minimum of 1.5 m [4.92 ft] in height shall be deemed to meet the fencing requirements and provided that there is a self-locking gate or equivalent arrangement to prevent unauthorized entry;
 - (iii) The required fence shall not be located closer than 0.91 m [3 ft] from the edge of any outdoor swimming pool;
 - (iv) The maximum height of an above-ground pool shall not be more than 2 m [6.6 ft] above grade;
 - (v) Any building or structure, other than a dwelling, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting *accessory uses* and *structures*;
 - (vi) No part of an open pool including an associated apron or platform which is in a front or side yard shall be constructed closer to a street line than the requirements for a *main building* in the zone within which it is located nor

closer to the lot line in a rear yard than the minimum distance required for an accessory use or structure; and

- (vii) No *accessory building* or *structure* that could be used to assist in gaining unauthorized access to the pool shall be located less than 1.22 m [4 ft] from the outside edge of the pool wall of an in-ground pool or 1.22 m [4 ft] from the outside edge of a fence surrounding an above-ground pool.
- (viii) Any fence required to secure an outdoor *swimming pool* from unauthorized entry shall not be located closer than 0.91 m [3 ft] from the outside edge of a pool wall of any outdoor *swimming pool*.

(b) Covered Pools

Covered pools shall conform with the accessory building requirements contained in Section 4.2.1.

(c) Pools in the Flood Plain

The establishment of any swimming pool in an *identified flood plain* area shall be subject to the approval of the appropriate agency.

- (d) No person shall fill a privately owned outdoor swimming pool with water, or allow water to remain therein or in an excavation, until the provisions of this by-law and the Town's Fence By-law have been complied therewith.

4.3 Automobile Service Station, Gas Bar, Car Wash, Fuel Pump Island and Gasoline Card Lock Facility

Despite any other provisions contained in this By-law, for all zones within which an *auto service station, car wash, gas bar, and/or fuel pump island* is permitted the following shall apply:

- (a) the minimum frontage for an interior lot on any street shall be 35 m [114.8 ft.] and 40 m [131.2 ft.] for a corner lot, and the minimum depth of any lot shall be 30 m [98.4 ft.].
- (b) the minimum yard requirements for the *main building* shall be as follows:
 - (i) adjacent to a Residential Zone
front yard depth.....15 m [49.2 ft.]

exterior side yard width.....15 m [49.2 ft.]
interior side yard width.....6 m [19.7 ft.]
rear yard depth.....6 m [19.7 ft.]

(ii) adjacent to all other land uses
front yard depth.....15 m [49.2 ft.]
exterior side yard width.....15 m [49.2 ft.]
interior side yard width.....3 m [9.8 ft.]
rear yard depth.....3 m [9.8 ft.]

- (c) the minimum distance between any portion of the pump island and related overhead canopies and any lot line shall be 5 m [16.4 ft.].
- (d) the width of any entrance or exit or combined entrance or exit measured at the front lot line or side lot line shall not be greater than 9 m [29.5 ft.].
- (e) the minimum distance between entrances, exits or combined entrance and exit on the same lot at the street line shall be 12 m [39.4 ft.].
- (f) the minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of the street lines of one or more streets shall be 15 m [49.2 ft.].

(g) Separation of Gasoline or Propane Tanks

No person shall *erect* or use a tank for the storage of gasoline or propane for sale at an automobile station or gasoline bar or any other property where vehicle fuel may be dispensed unless a license has been obtained from the Ministry of Government and Business Services and the location is in compliance with the requirements under the *Gasoline Handling Act* or *Ontario Propane Code*.

4.4 Bed and Breakfast Establishment

A *bed and breakfast establishment* shall be permitted in any residential zone in a *single detached dwelling* as a principal use subject to the following requirements:

- (a) That the use of the dwelling does not change the residential character of the dwelling.
- (b) That the requirements for the provision of off-street parking spaces can be met.

- (c) That the requirements of the local Health Unit, where applicable, can be met.
- (d) That one sign only shall be permitted provided the sign area does not exceed 1.2 m² [12.9 ft²], does not flash or oscillate, does not exceed a height of 1.5 m [4.92 ft] if a free standing sign, shall not obstruct any sight triangle, and has a minimum setback from any lot line of 1 m [3.28 ft].
- (e) That the *bed and breakfast* shall not be combined with any other residential use except a *single detached dwelling* in which it is located.
- (f) That a breakfast service is provided.
- (g) That the building complies with all applicable Building Code and Fire Code regulations.

4.5 Bicycle Parking Requirements

- (a) The owner or occupant of any building or structure erected, enlarged or where the use is changed after the passing of this By-law shall provide *bicycle parking space* in accordance with the following provisions:

Schedule for Bicycle Parking Requirements:

Use	Minimum Number of Bicycle Stand Parking Spaces Required
Residential Uses:	
<i>Apartment Dwelling, Maisonette Dwelling, Stacked Townhouse</i> with communal parking	1 space per 8 dwelling units
<i>Boarding House</i>	1 space per every 10 persons who can be accommodated therein
<i>Group Home</i>	1 space per every 10 residents
Other Uses:	
<i>Arcade/Video Arcade</i>	1 space per every 30m ² [322.9 ft ²] of gross floor area
Athletic or Recreational Establishment	1 space per every 30m ² [322.9 ft ²] of <i>gross floor area</i>

Bowling Alley, Curling Rink	1 space per 4 bowling lanes or curling sheet plus 1 space per 24 seats design capacity of the area for accessory uses
<i>Cinema/Theatre</i>	1 spaces per 40 persons accommodated according to the maximum permitted capacity
<i>Convenience Store</i>	1 space per 20 m ² [215.3 ft ²]
<i>Hospital</i>	1 space per 10 beds or fraction thereof, or for every 1,805 m ² [1991.3 ft ²] of floor area, whichever is greater
<i>Library</i>	1 space per every 30m ² [322.9 ft ²] of gross floor area
<i>Public Buildings</i>	1 space per 40 m ² [430.6 ft ²] of Gross Floor Area, minimum 2 spaces
<i>Arenas, Halls</i>	1 space per 20 persons accommodated according to the maximum permitted capacity or 1 space per 10 m ² [107.6 ft ²] where there are no fixed seats
<i>Restaurant, Drive-in Restaurant</i>	1 space per 20 persons accommodated according to the maximum permitted capacity or 1 space per 30 m ² [322.9 ft ²], whichever is greater
<i>Retail stores, service outlets, video rental outlets, banks</i>	1 space per 40 m ² [430.6 ft ²]
<i>School, elementary, private</i>	1 space per classroom
<i>School, adult secondary, college</i>	1 space per 100 m ² [1,076.4 ft ²]
<i>School, secondary</i>	2 spaces per classroom
<i>School, university</i>	1 space per 100 m ² [1,076.4 ft ²]
<i>Shopping Centre, Shopping Plaza</i>	1 space per 40 m ² [430.6 ft ²] of gross leasable floor area

- (b) Despite the number of bicycle stand parking spaces calculated according to the above chart, a minimum of two bicycle stand parking spaces shall be required for all uses listed in the above chart.
- (c) The *bicycle parking spaces* required in the above chart shall be provided by a *bicycle stand*. The outside edge of a *bicycle stand* shall not be used in the calculation of the required *bicycle parking spaces*. Trees, fences and other objects or equipment shall not be used in the calculation of the required *bicycle parking spaces*.
- (d) *Bicycle stands* shall be attached to the ground or to the outside wall of a building, or a *bicycle stand* may be located within a

building or *structure* where it is attached to a part of the said *building* or *structure*.

- (e) *Bicycle stands* shall not exceed 1 m [3.28 ft] in height.

4.6 Buildings to be Moved

No building or structure shall be moved within the limits of the *municipality*, or shall be moved from outside the *municipality*, unless the building or structures is a permitted use and satisfies all the requirements of the zone in which it is to be located, and then only after a permit has been obtained from the *Chief Building Official*.

4.7 Change in Lot Size

No lot shall be reduced in area, depth or width, by any means other than acquisition by a *Public Authority*, which results in:

- a) the lot coverage exceeding the maximum permitted by this By-law;
- b) the lot area, lot frontage or a yard being less than the minimum required by this By-law.

4.8 Change of Use

The *use* of a lot, building or structure which, under the provisions hereof is not permissible within the zone in which such a lot, building or structure is located, shall not be changed except to a use which is permissible within such zone or as otherwise authorized by the Committee of Adjustment under *Section 45(2)* of the *Planning Act*.

4.9 Converted Dwellings and Basement Apartments

- (a) A *converted dwelling* shall be a permitted use in an R2 or R3 zone, provided there is no substantial change in the external appearance or addition of the dwelling as a result of the conversion, that the number of dwelling units shall not exceed four (4), and provided all other requirements of this By-law are met.
- (b) A *basement apartment dwelling* unit shall comply with the *Building Code Act*.

4.10 Cumulative Standards

- (a) Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.
- (b) When a building, structure or lot accommodates more than one use, the delivery space requirements, loading space requirements and parking space requirements for such a building, structure or lot shall be the sum of the requirements for the separate uses thereof, unless exempted elsewhere in this By-law.

4.11 Established Building Line

Despite the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in a built-up area, where there is an established *building line* extending on both sides of the lot, such permitted building or structure may be erected closer to the *street line*, or the centre line of the street as the case may be, than required by this By-law provided such permitted building or structures is not erected closer to the *street line* or the centre line of the street, as the case may be, than the established building line. All other provisions of this By-law shall apply.

4.12 Fences

Any *fence* erected hereafter within the *municipality* shall conform to the provisions of any Fence By-law as may from time-to-time be enacted under the *Municipal Act*, the provisions of the *Line Fences Act* or any provisions for fences set out in this By-law and as follows:

- (a) **Residential Fences**
 - (i) The maximum height of a *fence* along the *interior side* or *rear yard lot line* shall be 2 m [6.56 ft] measured from the *average grade*.
 - (ii) The maximum height of a *fence* along any *front yard* or *exterior side yard lot line* shall be 1 m [3.28 ft] measured from the *average grade*.
 - (iii) No *fence* shall be constructed so as to obstruct the vision within any *sight triangle*.

- (iv) An unpierced hedgrow or other unpierced planting in a front yard shall be deemed to be a fence.
- (v) The use of barb-wire, spire tips, sharp objects or any device for projecting an electric current in any *fence* construction is prohibited as per the Town's Fence By-law (By-law 07-2000).
- (vi) Any fence that is constructed or erected to secure an outdoor *swimming pool* from unauthorized entry shall also be in compliance with section 4.2.2 of this by-law.

(b) **Non-residential Fences**

- (i) The maximum height of a *fence* along any *lot line* of a non-residential use shall be limited to 2.5 m [8.2 ft] where the *fence* is a chain-link fence or 2 m [6.56 ft] for any other materials.
- (ii) No *fence* shall be constructed so as to obstruct the vision within any *sight triangle*.
- (iii) The use of barb-wire, spire tips, sharp objects or any device for projecting an electric current in any *fence* construction is prohibited as per the Town's Fence By-law (By-law 07-2000).

4.13 Flood Plain

The following provisions shall apply to areas located below any engineered *floodline* as determined through a technical study.

No person shall use any land or erect, alter or use any building or structure in the *Flood Plain* except in accordance with the following provisions:

4.13.1 Permitted Uses

- (a) Buildings or structures intended for flood or erosion control or slope stabilization
- (b) All buildings and structures in existence on the day of the passing of this By-law
- (c) Low impact buildings such as a *gazebo*, garden shed, garden furniture but not a detached garage
- (d) A *swimming pool* subject to Subsection 4.2.2(c)
- (e) *Conservation uses*
- (f) *Marine facilities*

- (g) *Parks* without buildings or structures
- (h) *Landscaped open space*
- (i) Hydro-electric generating facilities
- (j) Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the main building of a water filtration plant or waste water treatment facility.

4.13.2 Prohibited Uses

No use, building or structure which involves the storage or use of hazardous or toxic materials, e.g. ignitable, corrosive, reactive, radioactive or pathological materials, or any institutional use shall be permitted to be constructed in a flood plain.

4.13.3 Zone Requirements

As set out in the applicable zone in which the use, building or structure is located.

4.13.4 Additional Provisions

- (a) Any new building or structure or any expansion of or addition to any buildings or structures permitted in the *Flood Plain* after the day of the passing of this By-law shall incorporate appropriate engineered construction techniques which reduce or eliminate the risks of flood damage from erosion or unstable slopes.
- (b) Modification of the *Flood Plain* through the dumping, filling, excavation or site grading of land or the diversion or alteration of any water course or the obstruction of the flood capacity or *flood way* by any means is prohibited unless otherwise permitted and/or approved by the agency having authority.

4.14 Frontage on a Street or Private Road

(a) Street

Except for a condominium project where the *condominium* agreement provides for the ongoing maintenance of any road or street providing direct access to a dwelling therein or land uses on one lot with multiple ownership and/or multiple use, no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a *street* as per the requirements of the respective zone

within which the lot is situated. For the purposes of this By-law, a *street* does not include an unopened road allowance.

(b) Exemptions

The requirements for frontage on a *street* shall be exempted for the following circumstances:

- (i) For a *public utility*
- (ii) For any passive outdoor *recreational use* or activity (e.g. recreational trails or similar activities)
- (iii) Back lots that exist as separately conveyable lots, but because of a number of factors, cannot front upon an open *street* and have a registered right-of-way
- (iv) Certain non-residential uses which do not require frontage on a *street* to satisfy their business needs and access is provided by way of a legal right-of-way

(c) Maintenance or Subdivision Agreement

Despite subsection (a) above, where a maintenance or subdivision agreement exists between the *municipality* and a land owner(s) and is registered on title, frontage on an unopened or unmaintained *street* or right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the zone standards set out in the corresponding zone or an exception thereto.

(d) Provincial Highway

In addition to all the requirements of the Corporation of the Town of Prescott, all development within the Ministry of Transportation's Permit Control Area is also subject to the requirements and permits of the Ministry of Transportation.

4.15 Frontage on More than One Street

Where a lot fronts on more than one *street* and is not a corner lot, the requirements for front yards contained in this By-law shall apply to each yard abutting the *street* in accordance with the provisions of the zone or zones in which such lot is located.

4.16 Garbage Storage

No person shall use any area outside of a *main building* in any industrial zone or commercial zone for storage of garbage except in a location as

permitted within a site plan agreement under section 41 of the *Planning Act*, or within a **rear yard** and in a manner which is environmentally acceptable to the Corporation of the Town of Prescott and is visually screened in a manner which is in keeping with the architectural treatment of the **main building**.

4.17 Garden Suites

Subject to the passing of a site specific Temporary Use By-law under Section 39 of the *Planning Act*, a **garden suite** shall be permitted as a separate dwelling unit to a permitted main residential use provided that the minimum lot area conforms with the zone in which the garden suite is to be located, that the maximum net floor area is 50 m² [538 ft²], that the maximum height of the **garden suite** is 6 m [19.7 ft] or the average height of the **main buildings** on the subject and abutting lots, whichever is lesser, that the **garden suite** is located in the rear or interior side yard and meets the minimum yard and lot coverage requirements set out in the corresponding zone, and is set back a minimum 3 m [9.8 ft] from any rear or side **lot line**.

(Explanatory Note: Garden suites are intended to house those who are generally capable of living independently but who by the virtue of their age or a disability require the support of others to live on their own. Garden suites should be limited to housing only elderly or disabled family members directly related to occupants of the main dwelling. A temporary use by-law to permit a garden suite shall not exceed ten (10) years from the day of passing of the by-law. However, council may by by-law grant further periods of not more than three (3) years each during which the temporary use is authorized)

4.18 Green Roofs

Any portion of a roof may be a **green roof**.

4.19 Group Homes and Crisis Care Facilities

Group homes and **crisis care facilities** shall be permitted in any zone that permits a residential dwelling as a principle use, provided they are approved and/or licensed under Provincial statutes and are in compliance with municipal by-laws.

No **group home** will be permitted closer than 500 m [1,640.4 ft] in a straight line distance of another **group home** or **crisis care facility**. No **crisis care facility** will be permitted closer than 500 m [1,640.4 ft] in a straight line distance of another **crisis care facility** or **group home**.

4.20 Height Exceptions

The height limitations set out in this By-law shall not apply to any of the following:

- Air conditioning system
- Antennae, receiving and transmitting
- Belfry
- Cellular or communication tower
- Chimney
- Church steeple
- Clock tower
- Electrical supply facility
- Elevator shaft
- Flag pole
- Hydro-electric transmission tower
- Lightning rod
- Lightning standard
- Mechanical equipment enclosure
- Ornamental dome or cupola
- Satellites, receiving and transmitting
- Silo
- Skylight
- Solar collector
- Stairway enclosure
- Ventilator
- Water tank or water storage tower
- Windmill
- Wind turbine

4.21 Holding Symbol (“h”)

- (a) Any parcel or area of land in any zone may be further classified as a holding zone with the addition of the prefix “h-”.
- (b) Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building or structure on the date of passing of this By-law.
- (c) The intent of a holding zone is to signify Council’s approval in principal to future development of the land for the purposes indicated by the zone preceding the symbol.

- (d) A further number(s) will be placed after the “h” to signify what requirement(s) needs to be satisfied prior to development.
- (e) Any change from the holding status shall require an amendment to this By-law.

4.21.1 Servicing and Staging Holding Zones (“h1”)

In order to remove the “h1” holding symbol, Council shall be satisfied that an appropriate servicing agreement is in place which addresses the provisions of facilities and services, and that there is sufficient demand for the land to warrant immediate development.

4.21.2 Environmental Hazard Holding Zone (“h2”)

In order to remove the “h2” holding symbol, any application for approval shall be accompanied by a ‘Record of Site Condition Certificate’ issued by the Ministry of the Environment and the *municipality*. The Ministry and the *municipality* shall be satisfied that any remedial measures required to ensure the complete elimination or safe containment of waste materials or other contaminants has been undertaken.

4.21.3 Potential Environmental Significant Area (“h3”)

In order to remove the “h3” holding symbol, a study to determine the environmental value of a site shall be prepared and submitted with any application for proposed development. The study shall also identify any potentially significant adverse environmental effects of the proposed development.

4.22 Home Based Businesses

- (a) The following uses shall be considered accessory to any residential use:
 - (i) professional and consulting services (*examples: architect, engineer, financial advisor, accountant, insurance agency, consultant, legal services, physician, teleworking, surveyor*)
 - (ii) instructional services (*examples: music lessons, dance, art, and academic tutoring*)
 - (iii) home craft businesses (*examples: quilting, pottery, jewellery, visual arts, small scale assembly*)
 - (iv) private daycare
 - (v) distribution sales offices or mail order sales (*examples: cosmetics, clothing or small household supplies*)

- (vi) offices for contractors and trades (*examples: plumbing, heating, electrician*)
 - (vii) repair services (*examples: small appliances, computers*)
 - (viii) high technology uses (*examples: internet services, office call centre services, desktop publishing, computer hardware and software development*)
 - (ix) personal care services shall be limited to providing service to a single client or patron at a time (*examples: hairdressing/cutting, massage therapist, esthetician*)
 - (x) catering establishments.
- (b) No more than two (2) home based businesses shall be permitted as an **accessory use** to a dwelling.
- (c) Home based businesses shall be permitted provided that:
- (i) the use is clearly secondary to the use of the dwelling unit as a private residence and shall be located within the dwelling unit and/or an **accessory building**;
 - (ii) where instruction is carried on, there will be no more than six (6) pupils at any one time;
 - (iii) not more than 35% of the **gross floor area** of a dwelling unit, up to a maximum of 69.68 m² [750 ft²] may be used for the home based business purposes. Where two (2) home based businesses exist, the maximum **gross floor area** used for the combined businesses shall not exceed 35% up to a maximum of 69.68 m² [750 ft²];
 - (iv) the **home based business** shall be operated by the owner or occupant of the **dwelling** within which it is located and shall not employ more than one (1) other employee on-site;
 - (v) the use does not create or become a public nuisance in regard to noise, odour, traffic, parking or health safety;
 - (vi) there shall be no outdoor storage or display to indicate to persons outside that any part of the property is being used for a use other than residential except for an unlit sign of not more than 0.5 m² [5.4 ft.²] in size that is attached to the dwelling;
 - (vii) there is no storage of hazardous materials such as paint or other flammable or explosive substance;

- (viii) the business shall not generate excessive traffic and shall not create a traffic hazard;
 - (ix) the business shall be subject to full compliance with the Town's noise by-law;
 - (x) the business shall not receive clients or deliveries between the hours of 2300 and 0700; and
 - (xi) the business shall be legal and must have obtained any necessary permits or licenses from the *municipality* and any other applicable government body having jurisdiction.
- (d) The above noted home based businesses may also be permitted in buildings *accessory* to the *main dwelling* unit provided that not more than 20% of the floor area of the *main dwelling* unit is used for such purposes in addition to the use of the accessory building.
- (e) The uses shall include a *studio* but does not include or permit a clinic, any retail or wholesale store or vending outlet, *restaurant*, convalescent home, kennel or animal shelter, veterinary establishment, multiple chair hairdresser or barber, arcade, funeral parlour, small engine repair, storage yard or plant, or any of the trades.

4.23 **Illumination**

Illumination of buildings and grounds shall be permitted provided that:

- (a) Illumination does not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.
- (b) Illumination does not consist of a colour or be so designed or located that it may be confused with traffic signals.
- (c) Illumination does not cause direct or indirect glare on land or buildings in any zone in which residential uses are permitted.

4.24 **Land Suitability for Use**

Despite any other provision of this By-law, no habitable building or structure shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or

overcome and that the requirements of the *Ontario Building Code* with respect to construction can be met.

Despite the above, on lands shown as a Potential Environmental Significant Area on Schedule 'A' to this By-law, no development shall be permitted except in compliance with an Environmental Impact Statement (EIS).

4.25 Landscaped Open Space and Planting Strips

Except where otherwise regulated by a valid Site Plan Control agreement, the following *landscaped open space* and planting strip requirements shall apply:

(a) In any Residential, Commercial, Institutional or Industrial zone, any portion of any *front yard* or *side yard* which is not used for any other permitted purpose shall be devoted to *landscaped open space* and shall not be used for parking.

(b) **Landscaped Open Space and Lot Area Calculations**

Any land use for *landscaped open space* shall be included in the calculations of lot area, yard requirements, housing density, etc., as set forth in this By-law.

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

(c) **Landscaped Open Space Required**

Where, in a yard in any zone, a *parking area* which is required to provide for more than four (4) off-street *parking spaces* abuts an existing residence or a lot in a Residential zone, or where any lot in an Industrial or Commercial zone abuts an existing residence or a lot in a Residential zone, the Increased Yard Requirements provisions of each respective zone for *landscaped open space* shall apply. Landscaped materials shall be of sufficient size and type to effectively provide a visual screen between the particular properties. A combination of landscaped berms, fencing and a planting strip may also be used to effectively provide a visual screen.

(d) **Planting Strip Required**

Where a lot is used for a primarily non-residential use in any zone and:

- (i) the front, side and/or rear lot line abuts a residential use or undeveloped land in a Residential zone, or
- (ii) the front, side and/or rear lot line abuts a portion of a street the opposite side of which portion of the street abuts a residential use or a Residential zone,

then a planting strip adjoining such abutting lot line, or portion thereof, shall be provided on the lot in accordance with the provisions of this section.

(e) Planting Strip Requirements

(i) Height and Material

A planting strip shall consist of at least a continuous unpierced hedgerow of evergreens or shrubs, not less than 1 m [3.28 ft] in height, immediately adjoining the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be planted with shrubs, flower beds, grass or a combination thereof.

(ii) Width

Where a planting strip is required, it shall have a minimum width of 3 m [9.84 ft] measured perpendicular from the planting strip to the lot line it adjoins.

- (iii)** In such cases where the *established grade* of the location at which the screen is to be planted is less than the *established grade* of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to the difference in elevation. In the event that the *established grade* of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the minimum height of the screen shall apply.

These provisions may be substituted where provision is made for landscaping in a site plan control agreement.

- (f)** A planting strip may form part of any *landscaped open space* required by this by-law.

(g) **Interruption of Landscaped Open Space and/or Planting Strip**

Where *landscaped open space* and/or a planting strip are required as a buffer, such landscaping and/or strip shall be continuous except for lanes, driveways, *aisles*, or walkways which provide access to the lot. It shall be permissible to interrupt the planting strip within 3 m [9.84 ft] of the edge of such driveway, lane or aisle, or within 1.5 m [4.92 ft] of the edge of such walkway.

(h) **Site Plan Control**

The provisions for a *landscaped open space* and/or planting strip as set out in this section shall not be deemed to limit the *municipality's* authority to impose other landscaping measures through the site plan control process.

4.26 Loading Space Requirements

The owner or occupant of any lot, building or structure erected or used for a commercial or industrial use involving the receiving, shipping, loading or unloading of people, animals, goods, wares, merchandise, or raw materials shall provide and maintain on the lot occupied by the building or structure and not forming part of a street, loading facilities or spaces in accordance with the following requirements:

- (a) *Loading spaces* shall have a minimum height clearance of 4.25 m [13.9 ft] and shall be at least 3.74 m [12.27 ft] wide to a maximum of 7.5 [24.6 ft] by 7.5 m [24.6 ft] long if situated at right angles to the building wall or 3.75 m [12.3 ft] by 9 m [29.5 ft] if situated parallel to the building wall; and,
- (b) *Loading spaces* shall be located in a building, an open *rear yard* or an open *side yard*, on the same lot on which the use is located. When located in a side or rear yard not less than 7.5 m [24.6 ft] shall be provided for the *loading space* between the building and the *lot line*. The loading space(s) shall have unobstructed access for delivery trucks to and from a street by means of a driveway, lane, or aisle of a minimum width of 6 m [19.7 ft].

(c) **Schedule of Required Loading Spaces**

(i) **Commercial Uses**

Net Floor Area	Minimum Required Loading Spaces
0 - 200 m ² 0 - 2,152.85 ft ²	0
200.1 - 1,000 m ² [2,153.9 - 10,764.26 ft ²]	1
over 1,000 m ² [10,764.26 ft ²]	1 plus 1 additional space for each additional 1,000 m ² of net floor area or part thereof

(ii) **Industrial Uses**

Net Floor Area	Minimum Required Loading Spaces
0 - 400 m ² 0 - 4,305.71 ft ²	0
400.1 - 2,000 m ² [4,306.8 - 21,528.5 ft ²]	1
over 2,000 m ² [21,528.5 ft ²]	1 plus 1 additional space for each additional 2,000 m ² of net floor area or part thereof

- (d) The *loading space* requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. For any addition made to a building or structure which increases its floor area, additional *loading space(s)* will be provided when the *net floor area* of the addition becomes subject to the requirements of Section 4.26(c).

4.27 Minimum Distance Separation, Influence Areas and Special Setbacks

No person shall use any land, building or structure for a *sensitive land use* (e.g. residential use, daycare, educational or health facility) or for a use that would impact the *sensitive land use* as identified unless it complies

with the following minimum separation distances. Separation distances shall be measured as set out for the respective requirement.

For setbacks from waterbodies and Highway 401, see Section 4.13 and 4.27 of this By-law.

(a) Industrial Uses

- (i) Class I Industrial:** The minimum separation distance between a *sensitive land use* and a Class I Industrial use shall be 20 m [65.6 ft]. The minimum separation distance shall be measured as the shortest horizontal distance from property line to property line.
- (ii) Class II Industrial:** The minimum separation distance from a sensitive land use and a Class II Industrial use shall be 70 m [230 ft]. The minimum separation distance shall be measured as the shortest horizontal distance from property line to property line.
- (iii) Class III Industrial:** The minimum separation distance from a sensitive land use and a Class III Industrial use shall be 300 m [984 ft]. The minimum separation distance shall be measured as the shortest horizontal distance from property line to property line.

(b) Rail Line

The *setback* shall be as determined by a noise and/or vibration study, if such is required by *Council*, and shall be generally measured from the point source of the emission to the property line of the receptor land use and shall specify the noise control measures necessary, if any, to achieve the Ministry of the Environment's noise criteria.

(c) Water Bodies

The minimum setback for a building or structure required in all zones shall be 15 m [49.2 ft] from the high water mark of any water body except as otherwise permitted under Section 4.13.

(d) Provincial Highway

The minimum setback for any building or structure shall be 45 m [147.6 ft] from the Highway 401 right-of-way, unless otherwise approved by the Ministry of Transportation pursuant to the *Public*

Transportation and Highway Improvement Act and a permit is obtained, or is otherwise determined by a noise and/or vibration study, if such is required by **Council**, and shall be generally measured from the point source of the emission to the property line of the receptor land use.

4.28 Municipal Services

Unless otherwise stated in this By-law, no person shall hereafter erect, alter, enlarge or use in whole or in part any building for any purpose in any zone on lands south of Highway 401 unless it is connected to the municipal water supply and municipal sanitary sewer system. The *Building Code Act* shall determine whether buildings used for any purpose in any zone on lands north of Highway 401 requires water and/or sewage services.

4.29 Non-Conforming Uses, Buildings, Structures and Lots

(a) Continuation of Existing Uses

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of passing of the By-law, and continues to be so used

(b) Repair of Existing Buildings

If a non-conforming buildings should be damaged by causes beyond the owner's control (i.e. flood, fire), nothing in this By-law shall prevent such a building from being restored and strengthened to a safe condition, provided that the damage is estimated to be less than 50% of the structure, and reconstruction or restoration is started within twelve (12) months and completed within twenty-four (24) months of the date on which the damage took place.

(c) Less than Required Floor Area

Nothing in this By-law shall prevent an extension or addition being made to a permitted dwelling that existed at the time of passing of this By-law but which has a floor area or dwelling unit area of less than that required by this By-law, provided such extension or addition does not contravene any other provisions of this By-law or the required room sizes listed in the *Building Code*.

(d) Less than Minimum Yard Requirements

Where a building has been erected prior to the date of passing of this by-law, on a lot having less than the minimum *front*, *side* or *rear yard* required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (i) the enlargement, reconstruction, repair or renovation does not further reduce any minimum front, side or rear yard required by this by-law; and,
- (ii) All other applicable provisions of this By-law are complied with.

(e) Prior Building Permits

Nothing in this By-law shall prohibit the erection of a non-conforming building or structure for which a building permit has been issued prior to the date of passing of this By-law, provided that the erection of such building or structure is commenced within the life of the building permit, and the building permit has not been revoked under the *Building Code Act*.

(f) Existing Undersized Lots

Where a lot having less than the minimum *lot frontage* or *lot area* required by this By-law, exists on the date of passing of the By-law, such lot may be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions of this By-law are met.

(g) Road Widenings

Nothing in this By-law shall prevent the use of any land, building or structure or the erection of any building or structure on a lot which does not comply to the minimum *lot frontage* and/or lot area and/or *front yard* setback and in the case of a corner lot, the *side yard* setback, as a result of a road widening taken by the Town of Prescott or the Ministry of Transportation, provided all other requirements of this By-law are complied with.

(h) Accessory Buildings

Nothing in this By-law shall prevent the erection of a building *accessory* to an existing *non-conforming* use provided that such

accessory building complies with all other applicable provisions of this By-law.

(i) Changes in Non-conforming Uses

The use of a lot, building or structure, which under the provisions of this By-law is not permissible within the zone in which such lot building or structure is located, shall not be changed except to a use permitted by the By-law for such zone, or to a use authorized by the Committee of Adjustment pursuant to its powers under the *Planning Act*.

4.30 Obnoxious Uses

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business, or manufacture by the *Public Health Act* or any regulations made thereunder.

4.31 Occupancy Restrictions

Human habitation shall not be permitted in any of the following buildings, structures or parts thereof unless the building, structure or parts thereof meet all the requirements of the *Fire Code*, the *Ontario Building Code* and any other applicable regulations, policies or acts:

- (a) any private garage or other building which is *accessory* to a residential use;
- (b) any truck, bus, recreational vehicle, coach or streetcar body whether or not the same is mounted on wheels;
- (c) any cellar, as defined in this By-law; and,
- (d) any dwelling before the main wall and roof have been erected, application of exterior siding and roofing has been completed, and the kitchen, heating and sanitary conveniences have been installed.

4.32 Open Storage

- (a) Open storage shall be permitted in any Industrial zone in accordance with the following:
 - (i) the *open storage* is *accessory* to the principle use of the lot;
 - (ii) *open storage*, as defined in this By-law, shall not be permitted within any *front yard* and any minimum *side* or

rear yard where such *yard* abuts a Residential, Open Space, or Public Park zone;

- (iii) any area of *open storage* shall be enclosed by a *fence*, or shall be surrounded by a planting strip in accordance with Section 4.25 of this By-law where applicable; and
 - (iv) any areas used for open storage shall be in addition to any minimum off-street parking or off-street loading areas required by this By-law.
- (b) Open storage shall be permitted in the General Commercial (C1) Zone and the Highway Commercial (H2) Zone only for commercial vehicles in operating condition which are essential to the permitted use.

4.33 Outdoor Patios

(1) Ground Level Outdoor Patios

Despite any other provisions of this By-Law, the following shall apply to an *outdoor patio* associated with a permitted *restaurant* or *tavern*:

(a) Capacity

No *outdoor patio* shall accommodate more than 50 percent (50%) of the licensed capacity of the *restaurant* or *tavern* with which the patio is associated, or 50 persons, whichever is the greater.

(b) Location

No part of an *outdoor patio* licensed under the *Liquor License Act* shall be located less than 10 m [32.8 ft] from lands which are used for a residential use (not in combination with another zone) or are in an R1, R2 or R3 zone.

(c) Lighting

Any outdoor lighting shall be directed toward or onto the *outdoor patio* area and away from adjoining properties and streets.

(d) Loading

- (i)** No *loading space* shall be required for an *outdoor patio* portion of a *restaurant*.
- (ii)** An *outdoor patio* shall not encroach on or eliminate any required *loading space*.

(e) Parking

- (i)** Except as otherwise provided for in this by-law, *parking spaces* shall be required for the *gross floor area* associated with the *outdoor patio* at a ratio of 80% as for *restaurants* or *taverns*, whichever the case may be and shall be in addition to the parking requirements for the indoor area of the *restaurant* or *tavern*.
- (ii)** An *outdoor patio* shall not encroach or eliminate any required *parking space, driveway* or *aisle*.

(f) Setbacks

- (i)** No *front yard* or *exterior side yard setback* shall be required for a permitted *outdoor patio* in the Core Commercial (CC) Zone and the Waterfront Mixed Use Development (CW) Zone.
- (ii)** A permitted *outdoor patio* may encroach upon a required *front yard setback* in all other zones but shall have a minimum *front yard setback* of 1 m [3.28 ft].

(g) Screening

- (i)** Where an *enclosure* is provided for a permitted *outdoor patio* at ground level, it shall have an *enclosure* with a minimum *height* of 106.7 cm [42 in] and a maximum *height* of 1.5 m [4.92 ft].
- (ii)** Despite paragraph (a), where an *outdoor patio* permitted in a *yard* directly abuts a *rear lot line* of any *lot*, an *enclosure* shall be required along that *lot line* with a minimum *height* of 1.75 m [5.74 ft] and a maximum *height* of 2 m [6.56 ft].

- (iii) Despite paragraph (a), the maximum *height* of an *enclosure* may be increased to 2 m [6.56 ft] where the *enclosure* above the bottom 1 m [3.28 ft] is constructed of a solid transparent material (e.g. glass).
- (iv) No *enclosure* surrounding a ground level *outdoor patio* shall not be constructed so as to obstruct the vision within any *sight triangle*.
- (v) Paragraphs (i), (ii) and (iii) do not apply to *outdoor patios* with an area totalling less than 2 m² [21.5 ft²].
- (vi) Despite paragraphs (i) through (iv), where an *outdoor patio* is located in a *yard* facing or abutting lands which are used for a residential use (not in combination with another zone) or are in an R1, R2 or R3 zone, an *enclosure* constructed of opaque materials with a minimum *height* of 2 m [6.56 ft] and a maximum *height* of 2.25 m [7.4 ft] shall be required around the *outdoor patio* so as to screen the patio from sight and to mitigate any noise from the use of the *outdoor patio*.

(h) Hours of Operation

An *outdoor patio* shall not be permitted to be used as part of a licensed *restaurant* or *tavern* between the hours of 2300 and 0800.

(2) Rooftop Outdoor Patios

An *outdoor patio* shall be permitted on a roof of that part of a *building* which overlooks or faces the St. Lawrence River on a *lot* in the Waterfront Mixed Use Development (CW) Zone subject to the following provisions:

- (a) The *outdoor patio* shall not be located on the roof of a *building* with less than two *storeys*.
- (b) Not more than one *outdoor patio* shall be permitted on the roofs of any one building.
 - (i) Despite paragraph (b), *outdoor patios* may exist on both the ground level and on one rooftop of the same *building*.

- (c) The *outdoor patio* shall be screened by an *enclosure* from view from any public *street* directly adjacent to the *lot* in which the given *outdoor patio* is found.
 - (i) In addition to any requirements of the Building Code, the required *enclosure* around the *outdoor patio* shall be a minimum of 106.7 cm [42 in] in height, shall not exceed 2 m [6.56 ft] in height, and shall be setback a minimum of 1 m [3.28 ft] from any edge of the roof of the *building* that is adjacent to a public *street*.
 - (ii) The portion of a required enclosure for a rooftop *outdoor patio* above 1.5 m [4.92 ft] in height may be constructed of a solid transparent material (e.g. glass).
 - (iii) Where the *outdoor patio* is located on a roof of a *building* with multiple roofs and another *storey* on the same building having a minimum height of 2 m [6.56 ft] above the elevation of the roof on which the *outdoor patio* is located is situated between the given *outdoor patio* and a public *street* directly adjacent to the *lot* in which the given *outdoor patio* is found, the *enclosure* required in paragraph (c) or (c)(i) shall not be required.
 - (iv) An enclosure for a rooftop outdoor patio shall not exceed the maximum building height in the Waterfront Mixed Use Development (CW) Zone. For the purposes of this section, the maximum *building height* shall be deemed to include the *height* of the *enclosure* above the surface of the roof.
 - (v) Any rooftop outdoor patio shall comply with the requirements of the Building Code.
- (d) Paragraphs (a), (b), (c), (d), (e) and (h) of section 4.33.1 shall apply to rooftop *outdoor patios*

(3) Outdoor Patios Not Associated with a Restaurant or Tavern

Despite any other provisions of this By-Law, the following shall apply to an *outdoor patio* not associated with a permitted *restaurant* or *tavern* in the Core Commercial (CC) Zone and Waterfront Mixed Use Development (CW) Zone:

- (a) *Outdoor patios* shall be permitted on any roof of a building or a part thereof.

- (b) **Outdoor patios** located at ground level shall be located in any yard except a front yard.
- (c) **Outdoor patios** shall be permitted at ground level and shall be subject to the requirements of paragraphs (c) and (g) of Section 4.33.1.
- (d) A permitted rooftop **outdoor patio** under this section shall be subject to paragraphs (a), (c), (d), (e) and (h) of section 4.33.1 and section 4.33.2(c).
- (e) **Screening**
 - (i) A permitted ground level **outdoor patio** shall be enclosed by an **enclosure** with a minimum **height** of 106.7 cm [42 in] and a maximum **height** of 1.5 m [4.92 ft].
 - (ii) Where an **outdoor patio** permitted in a **yard** directly abuts a **rear lot line** of any **lot**, an **enclosure** shall be required along that **lot line** with a minimum **height** of 1.75 m [5.74 ft] and a maximum **height** of 2 m [6.56 ft].
 - (iii) Despite paragraph (i), the maximum **height** of an **enclosure** may be increased to 2 m [6.56 ft] where the enclosure above the bottom 1 m [3.28 ft] is constructed of a solid transparent material (e.g. glass).
 - (iv) No **enclosure** surrounding a ground level **outdoor patio** shall be constructed so as to obstruct the vision within any sight triangle.
 - (v) Paragraphs (i), (ii) and (iii) do not apply to **outdoor patios** with an area totalling less than 2 m² [21.5 ft²].

4.34 Parking Requirements

(a) Parking Space Requirements

The owner or occupant of any building or structure erected, enlarged or where the use is changed after the passing of this By-law shall provide off-street parking in accordance with the following provisions:

Schedule for Parking Requirements:

Use	Minimum Number of Parking Spaces Required
Residential Uses:	
<i>Single Detached Dwelling</i> <i>Semi-detached Dwelling</i> <i>Duplex Dwelling</i> <i>Row Dwelling</i> with Parking in front of unit <i>Stacked Townhouse</i> with Parking in front of unit	2 spaces per dwelling unit, may include 1 space in a garage or car port, and 1 space in front of the garage or car port
<i>Row Dwelling</i> with communal parking <i>Apartment Dwelling</i> <i>Maisonette Dwelling</i> <i>Stacked Townhouse</i> with communal parking	1.25 parking spaces per dwelling unit, 15% of which shall be reserved for visitors
<i>Accessory Apartment Building</i>	1 space per dwelling unit
<i>Bed and Breakfast</i>	1 space for each guest room in addition to the required residential spaces
<i>Home Based Business</i>	1 space plus 1 space per non-domiciled employee in addition to required residential spaces
<i>Boarding Houses</i>	1 parking space for ever 2 persons which can be accommodated therein
<i>Seniors Citizen's Dwelling, Continuum-of-Care Facility</i>	0.5 spaces per dwelling unit
<i>Group Home</i>	1 space for every 3 residents plus 1 space for staff or the receiving family
Other Uses:	
Athletic or Recreational Establishment (other than listed herein)	The greater of 1 space per 14 m ² [150.7 ft ²] of Gross Floor Area, or 1 space per 4 persons designed capacity of the establishment
<i>Automobile service station</i> <i>Auto body shop</i> <i>Automobile repair garage</i> <i>Gas Bar</i>	3 spaces per service bay plus 1 space per employee
<i>Automobile sales establishment</i>	1 space for every 20 m ² [215.3 ft ²] Gross Floor Area plus 1 space per employee
Bowling Alley, Curling Rink	2 spaces per bowling lane or curling sheet plus 1 space per 6 seats design capacity of the area for accessory uses
<i>Building Supply Store</i>	1 space for every 20 m ² [215.3 ft ²] Gross Floor

<i>Lumber Yard</i>	Area bulk storage
<i>Car Wash</i> - self service	3 waiting spaces per wash bay excluding the wash bay
<i>Car Wash</i> - mechanical service	5 waiting spaces per wash bay
<i>Cinema/Theatre</i>	1 space per four persons accommodated according to the maximum permitted capacity
<i>Funeral Home</i>	1 space per 18 m ² [193.8 ft ²] Gross Floor Area with a minimum of 8 spaces
<i>Garden Supply Centre, Nursery</i>	1 space for every 20 m ² [215.3 ft ²] retail floor area
<i>Hospitals</i>	1 space per 2 beds or fraction thereof, or each 37 m ² [398.3 ft ²] of floor area, whichever is greater
<i>Hotel, Motel</i>	1 space per guest room or suite, plus the required spaces for any adjoining public or restaurant use
<i>Industrial Uses</i>	1 space for every 70 m ² [753.5 ft ²] of floor area up to 200 m ² [2,152.9 ft ²], plus 1 additional space for every 200 m ² [2,159.9 ft ²] of floor area thereafter
<i>Industrial Mall</i>	1 space per 40 m ² [430.6 ft ²] Gross Floor Area of industrial space
<i>Marina</i>	1 space for every seasonal boat slip, plus 1 space for every 4 transient boat slip
<i>Medical/Dental Clinic</i>	4 spaces per practitioner or 1 space per 15 m ² [161.5 ft ²], whichever is greater
<i>Nursing Home</i>	1 space per 3 beds or per 40 m ² [430.6 ft ²], whichever is greater
<i>Offices, Public Buildings</i>	1 space per 20 m ² [215.3 ft ²] of Gross Floor Area, minimum 2 spaces
<i>Place of Assembly</i> <i>Place of Worship</i> Arenas Halls	1 space per 4 persons accommodated according to the maximum permitted capacity or 1 space per 10 m ² [107.64 ft ²] where there are no fixed seats
<i>Restaurant, Tavern, Drive-in Restaurant</i>	1 space per 4 persons accommodated according to the maximum permitted capacity, or per 10 m ² [107.64 ft ²], whichever is greater
<i>Take-Out Restaurant</i>	1 space per 10 m ² [107.64 ft ²]
<i>Retail Stores</i> , service outlets, grocery stores, <i>video rental outlets, banks</i>	1 space per 20 m ² [215.3 ft ²] of Gross Floor Area, minimum 5 spaces

<i>School</i> , elementary	1.5 spaces per classroom
<i>School</i> , adult secondary, college	1 per 100 m ² [1,076 ft ²] plus 1 per 15 students
<i>School</i> , private	3 per classroom
<i>School</i> , secondary	4 spaces per classroom
<i>School</i> , university	1 per 100 m ² [1,076 ft ²] plus 1 per 15 students
<i>Shopping Centre, Shopping Plaza</i>	1 space per 20 m ² [215.3 ft ²] of Gross Leasable Floor Area
<i>Taxi Stand</i>	1 space per taxi cab
All other uses not listed above	1 space per 25 m ² [269.1 ft ²] of Gross Floor Area

(b) Size of Parking Space

All standard parking spaces, unless specified elsewhere in this By-law, shall be a minimum of 2.7 m [8.9 ft] in width by 6 m [19.7 ft] in length. Each barrier-free parking space shall be a minimum of 3.7 m [12.1 m] in width by 6 m [19.7 ft] in length.

(c) Surface of Parking Areas

All parking areas shall be constructed with a surface which is able to be used year-round.

(d) Cumulative Standards

Unless permitted elsewhere in this By-law, where two (2) or more uses are permitted in any one (1) building or in any one (1) lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be provided.

(e) Addition to Building/Change in Use

The parking space requirements shall not apply to any building in existence at the date of passing of this By-law so long as the **gross floor area**, as it existed at such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the **gross floor area**, or a change in use occurs, then parking space for the addition or area change in use shall be provided. This paragraph shall not apply to non-residential uses in the Core Commercial (CC) Zone where the lot on which the use is located has frontage on the north side of King Street between St. Lawrence Street and East Street or on the south side of King Street between West Street and East Street.

- (f) There shall be no minimum number of parking spaces required for non-residential uses in the Core Commercial (CC) Zone where the lot on which the use is located has frontage on the north side of King Street between St. Lawrence Street and East Street or on the south side of King Street between West Street and East Street.
- (g) **Location of Parking Spaces**
- (i) Required parking in a Residential zone shall be provided on the same lot as the dwelling unit being served. In all other zones, required parking shall be provided within 150 m [492.1 ft] of the building it is intended to serve, and any parking area required for a use other than a residential use shall not be permitted in a Residential zone.
- (ii) Where required parking is not provided on the same lot, the lot or part of the lot where the parking is located shall be in the same ownership or be leased by a long term renewable agreement and the parking spaces shall be retained for the duration of the use.
- (iii) Except where parking spaces having access to a street are provided for the exclusive use of a *single detached, semi-detached* or *row housing dwelling*, every parking space shall be provided with unobstructed access to a street by a driveway, aisle or lane.
- (iv) Where parking spaces are provided for the exclusive use of a *triplex, duplex*, single detached or semi-detached dwelling, the driveway and parking spaces shall not cover more than 50% of the *front yard* or *exterior side yard* area.
- (v) Commercial vehicles shall not be parked within any Residential zone except for the purpose of delivery goods, wares and merchandise when delivery is carried on in the ordinary course of business except one (1) commercial vehicle having a gross vehicle weight not greater than 3,000 kg [6,613.8 lb] may be allowed per dwelling unit.
- (vi) No commercial vehicles, commercial trailers, recreational vehicles, self propelled campers or trailers used for transporting the above shall be parked in a minimum *front yard*, unless there is insufficient space in the minimum *side yard* or there is no *side yard*.

- (vii) Corner lots upon King Street shall have at least one access driveway from the intersecting street, provided that an existing building altered or used for any purpose for which a parking lot is required need not provide such driveway if access from the minor street is impossible without structural alterations to the building.
- (viii) Access to parking from a street in any Residential zone shall be by means of an egress, laneway, entrance or access driveway with a maximum width of 7.5 m [24.6 ft].

(g) Landscaped Open Space

Where required parking space in a non-residential zone lie adjacent to a Residential zone or lie south of King Street, a continuous 3 m [9.84 ft] wide planting strip shall be required to improve the aesthetics of the parking area.

(h) Parking Areas for More than Four Vehicles

- (i) Where the parking area abuts a street or a lot line, a continuous 3 m [9.84 ft] strip of landscaped open space shall be provided between the parking area and the adjacent lot or street except for entrance and exit laneways.
- (ii) Ingress and egress directly to and from every parking space, shall be by means of a driveway, lane or *aisle* having a width of at least 6.5 m [21.3 ft] for two-way traffic and 3.5 m [11.5 ft] for one-way traffic where parking is angled.
- (iii) Where the parking area abuts a street or a *lot line*, a continuous 3 m [9.84 ft] strip of *landscaped open space* shall be provided between the parking area and the adjacent lot or *street* except for entrance and exit laneways.
- (iv) Width of *aisles* shall not be less than:

For parallel parking.....3 m [9.84 ft]
 For diagonal parking.....5 m [16.4 ft]
 For 90-degree parking.....6.5 m [21.3 ft]

(v) **Barrier-Free Parking Spaces**

Schedule for *barrier-free parking spaces*:

No. of standard parking spaces	No. of Barrier-free parking spaces required:
≤ 25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
Over 500	9 + 1% of total

4.35 Pits and Quarries

The establishment of pits and quarries within the *municipality* is prohibited unless a *wayside pit* or *quarry*, as defined herein, is approved under the *Aggregate Resources Act*.

4.36 Prohibited Uses

Except as specifically permitted in this By-law, the following uses are prohibited:

- (a) Except as otherwise specifically permitted in this By-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious or which creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.
- (b) A dwelling unit in a *basement* having a height of 2 m [6.6 ft] or less.
- (c) Any use of land, building or structure which is excessively fortified (e.g. *biker's bunker*) including but not limited to mobile homes, mobile buildings, mobile structures, accessory or out-buildings, fences, physical barriers and other structures designed for defence or to obstruct normal access, and as otherwise set out in By-law 05-2005, being a by-law to regulate the fortification of land and protective elements within the Town of Prescott.

This section shall apply in conjunction with Section 4.30 of this By-law.

4.37 Public Service Uses

Any land may be used and any building or structure may be erected or used for the purpose of a public service by a **Public Authority** in any zone provided that:

- (a) The **lot coverage** and yard requirements prescribed for the zone in which such land, building or structure is located are complied with;
- (b) No goods, materials or equipment is stored in the open in a Residential zone;
- (c) Any building erected in a Residential zone under the authority of this paragraph shall be designed and maintained in general harmony with the residential buildings of the type permitted in the zone;
- (d) Parking and loading requirements as contained in this By-law shall be complied with; and,
- (f) Despite the provisions of this section, a **communications facility** installed by a public authority or private industry shall be permitted in a non-residential zone (CC, C1, C2, CW, M1, M2) provided the following criteria are met:
 - i. That the perimeter of the property or an area around the base of the tower is completely fenced so as to prevent unauthorized access,
 - ii. That the construction and installation of the tower complies with all federal and provincial regulations including the *Building Code Act*,
 - iii. That the minimum setback of the base of the tower is 10 m [32.8 ft] from any property line, and
 - iv. That the minimum setback for any accessory building shall meet the standards of the zone in which the **communications facility** is located in.

4.38 Railway Crossings and Sight Distance

Where any street crosses a railway at the same grade, no building or structure shall hereafter be erected closer to the point of intersection of the centre line of the railway and the street than 3 m [9.84 ft] where automatic signal protection is provided and 50 m [164 ft] where no automatic signal protection is provided.

4.39 Side Yard Requirements

Where a lot on which an existing *semi-detached dwelling* or *row or townhouse dwelling* is situated is severed along the common wall of the building, the *side yard* requirement for the shared *lot line* shall be 0 m [0 ft].

4.40 Sight Triangles on Corner Lots

On a corner lot, no obstruction higher than 0.75 m [2.5 ft] (except a chain link *fence* for a *school* or *park*) shall be permitted on that part of a lot at the street corner composed of a triangle having sides of 5 m [16.4 ft] along each street measured from the finished grade of the street corner formed by the *lot lines*, or by the straight line projection of *lot lines* when *lot lines* are connected by a curved line.

4.41 Signs

Signs shall be regulated by the Sign By-law of the Town of Prescott, known as By-law 2-85, a By-law to prohibit and regulate signs and other advertising devices except otherwise governed by this By-law.

4.42 Solar Collectors

- (a) *Solar collectors* shall be permitted in any zone of this by-law.
- (b) A *solar collector* erected on a post(s) is permitted in any *yard* subject to the following minimum yard requirements:
 - (i) *solar collectors* shall be setback from all *side* and *rear lot lines* of the given lot a distance equal to the height of the *solar collector* plus 0.5 m [1.64 ft].
 - (ii) *solar collectors* shall be setback from the *front lot line* of the given lot a distance equal to the height of the *solar collector* plus 1 m [3.28 ft].
 - (iii) *solar collectors* shall be separated from all *buildings* and *structures*, not including other *solar collectors*, a distance equal to the height of the *solar collector* plus 0.5 m [1.64 ft].
 - (iv) *solar collectors* shall not exceed a height of 2 m [6.56 ft].
 - (v) no more than 3 *solar collectors* may be erected on one lot
 - 1. paragraph (iv) shall not include *solar collectors* attached to *buildings*.
- (c) *Solar collectors* not erected on a post(s) shall only be permitted on the roof of a *building* subject to the following provisions:

- (i) in the case of a roof that is not flat, all *solar collectors* attached to the roof shall be attached directly to the roof and shall not be attached by a post(s)
- (ii) in the case of a roof that is not flat, all *solar collectors* attached to a given face of the roof shall cover less than 50% of that portion of the roof.
- (iii) in the case of a roof that is not flat, *solar collectors* may only be attached to one face of a rooftop of a *building*.
- (iv) in the case of a roof that is flat, *solar collectors* shall not exceed a height of 0.75 m [2.46 ft]
- (v) the height of *solar collectors* shall not be included in the calculation of the *building height*
- (d) any inverters located on a lot shall be located in a *side yard* or *rear yard* and shall be separated from all *lot lines* by a minimum distance of 1 m [3.28 ft]. Inverters may be subject to a Certificate of Approval for noise by the Ministry of Environment under the *Environmental Protection Act* or any noise by-laws passed by the Town of Prescott.

4.43 Special Exception Zones

Where a zone symbol is followed by a dash (-) and a number, this denotes a special exception zone. Land so designated shall be subject to all the provisions of the zone represented by the symbol except as otherwise stated by the provisions of the special zone. The special exception zone shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the By-law. The special provisions are listed under the appropriate zone in the text of this By-law. All other provisions of the By-law shall continue to apply.

4.44 Streets and Paths

In any zone established by this By-law, streets, walkways and bike paths are permitted.

4.45 Temporary Uses Permitted

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a *temporary building* or *structure* or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or at such time as in the opinion of the Corporation that such equipment is no longer required.

- (b) In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided:
 - (i) approval is obtained pursuant to the matters contained herein;
 - (ii) such temporary accommodation is removed from the lot immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the Corporation it is no longer required.
- (c) A *model home* may be constructed and used as a temporary use for advertising but not permanent occupancy in association with a draft approved plan of subdivision and shall comply with the applicable setbacks in the zone in which it is located.

4.46 Wind Turbines

Despite any other section of this by-law to the contrary, the following provisions shall apply to the erection and placement of *small wind turbines* and *vertical axis wind turbines*:

- (a) *Small wind turbines* and *vertical axis wind turbines* located in the following zones shall not exceed a height of 3.66 m [12 ft]: R1, R2, R3, CW, C1 I, OS and P
- (b) Despite paragraph (a), the *height* of any *small wind turbine* or *vertical axis wind turbine* in the zones described in paragraph (a) shall not exceed the height of the main building on the same lot
- (c) Despite paragraph (a), a *small wind turbine* or *vertical axis wind turbine* may have a maximum *height* of 24 m [78.7 ft] where the wind turbine is erected on lands in the Institutional (I) Zone and where the *lot* has a minimum *lot* size of 1 ha [2.47 ac].
- (d) *Small wind turbines* and *vertical axis wind turbines* shall not be permitted in any *front yard*.
- (e) *Small wind turbines* and *vertical axis wind turbines* located in the following zones shall not exceed a *height* of 24 m [78.7 ft]: C2, M1, M2, D.
- (f) *Small wind turbines* shall not be permitted in the CC zone.

- (g) The closest part of the base of a *small wind turbine* shall be separated from all *lot lines* and any part of a *building, structure* or tree by a distance equal to the height of the given *small wind turbine* plus the length of one blade.
- (h) The closest part of the base of a *small wind turbine* permitted on lands in the C2, M1, M2 and D zones shall be separated from any R1, R2, R3, C1, P, I, CW or OS zone a distance equal to the height of the *small wind turbine* plus the length of one blade.
- (i) The closest part of the base of a *small wind turbine* or a *vertical axis wind turbine* shall be separated from the right-of-way of the CN Railway and the right-of-way of Highway 401 a distance equal to twice the height of the given *small wind turbine* or *vertical axis wind turbine*.
- (j) Guy wire anchors may not extend closer than 3 m [9.84 ft] to any lot line.
- (k) All wind turbines are subject to all necessary approvals under the *Environmental Protection Act*, if applicable.

4.47 Yard Encroachments

Every part of any minimum *yard* shall be open and unobstructed from the ground to the sky and shall not be obstructed by any structure other than an accessory building or structure permitted elsewhere in this By-law, provided however, that those structures listed below, shall be permitted to project into the minimum required yards indicated for the distances specified:

- (a) belt courses, sills, cornices, eaves, gutters, chimneys, bay windows palisters or other ornamental structures may project into any minimum required yard not more than 0.5 m [1.64 ft];
- (b) open and roofed porches, decks and balconies may project into any minimum required *front yard* or *rear yard* not more than 1.5 m [4.92 ft];
- (c) exterior stairs and landings may project into any one minimum required *side yard* not more than 1 m [3.28 ft], and may project into any minimum required *rear yard* 1.5 m [4.92 ft]; and,

- (d) uncovered patios, awnings, garden trellises, flag poles, planting materials, fences, retaining walls and similar uses may project into any minimum *yard*.

Structure	Maximum Projection Permitted Into Required Yard
Chimney breasts, cornices, sills, air conditioners, bay windows, pilasters, eaves or gutters, chimneys, solar collectors, heat pumps, ventilators, shutters, cornices, parapets, pilasters or other ornamental structures,	0.6 m [1.96 ft.] into any yard
Balconies, <i>canopies</i> or unenclosed porches of an apartment dwelling	1.8 m [5.9 ft.] into any required front, exterior side or rear yard
Balconies, <i>canopies</i> or unenclosed porches for any other residential buildings	1.8 m [5.9 ft.] into any required <i>front, rear or exterior side yard</i>
<i>Canopies</i> or porticos for entrances to apartment buildings and commercial buildings	A canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (½) the setback of the building from the <i>street line</i>
Bay windows, window awnings	0.9 m [2.95 ft.] into any required front, rear or exterior side yard over a maximum width of 3 m [9.84 ft.]
Steps, ramps for use by persons with disabilities and walkways	No maximum into any required yard
Fire Escapes, exterior stair cases	1.5 m [4.92 ft.] into a required side or rear yard only
Hedges, shrubs, trees, freestanding walls, flagpoles, light standards, garden trellises, clothes lines and similar structures or features	Unlimited in any yard provided that there is no visual obstruction in any required sight triangle or sight distances associated with an exit or entrance to a lot or as set out in a Town By-law
<i>Fences</i>	As set out in the Town's Fence By-law (By-law 07-2000)

Deck	1.8 m [5.9 ft.] into any required front or exterior side yard or 1.2 m [3.93] into a required rear yard
Attached Solarium	2 m [6.56 ft.] into any required front, exterior side yard or rear yard
<i>Accessory building or structure</i>	As permitted by and as specified in this By-law
<i>Fuel pump island</i> and/or canopy for an <i>automotive service station</i> or <i>gas bar</i>	As permitted by and as specified in Section 4.3 of this By-law

4.48 Zones Applying to More than One Property

Where a *lot* is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions.

Section 5 ZONES

5.1 Zone Classification

For the purposes of this By-law, the Town of Prescott is divided into the following zones as named and described in the following sections, the boundaries of which are shown on the Zoning Schedules which are attached and form part of this By-law.

5.2 Zones

Zone Symbol

Residential

Low Density	R1
Medium Density.....	R2
High Density	R3

Commercial

Core.....	CC
General.....	C1
Highway	C2
Waterfront Mixed Use Development.....	CW

Industrial

General.....	M1
Light.....	M2

Institutional

Institutional	I
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Open Space and Public Parks

Open Space	OS
Public Parks	P

Development

Development.....	D
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5.3 Interpretation of Zone Boundaries

Where the boundary of any zone is uncertain and:

- (a) the boundary is shown on the Schedule as following a street, electric transmission line or railway, or watercourse, the centreline of the *street*, electric transmission line right-of-way, railway or watercourse is the boundary.
- (b) the boundary is shown on the Schedule, as substantially following *lot lines* shown on a registered plan of subdivision or the boundaries of a parcel registered in the Registry Office for the County of Leeds on the date of the passing of this By-law, such lot lines are the boundary.
- (c) the boundary is indicated as approximately parallel to a *street line* or other feature, indicated in clause (a), (b), or (c) above, and the distance from such street line or other feature is not indicated, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule.
- (d) the boundary is shown on the Schedule as following a *street* and the *street* is closed, the land in the said closed street shall be included in the zone of the adjoining land and if such street formed a boundary between two or more different zones, the centreline of the closed *street* shall be the boundary.
- (e) the boundary is shown on the Schedule as following the shoreline of the St. Lawrence River, such boundary shall be deemed to include within the same, at all times, all land to the water's edge, and all land covered with water where any jetty, boathouse, pier or other building or structure is or is proposed to be erected.
- (f) the boundary is shown as the limits of the Town of Prescott, the *municipality*'s border should be construed as the boundary of the zone.

5.4 Low Density Residential (R1) Zone

No person shall use any lot or erect, alter or use any building or structure in the Low Density Residential (R1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.4.1 Permitted Uses

- Dwelling – Duplex
- Dwelling – Semi-detached
- Dwelling – Single detached
- Dwelling – Single detached, zero lot line
- Boarding House
- Garden Suite where permitted under a temporary use by-law

5.4.2 Zone Requirements

(a) Single detached dwelling

Minimum Lot Area.....	396 m ² [4,262.65 ft ²]
Minimum Lot Frontage.....	13 m [42.7 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	7.5 m [24.6 ft]
Exterior Side Yard.....	4.5 m [14.8 ft]
Interior Side Yard.....	1.2 m [3.9 ft]
One side.....	2.4 m [7.9 ft]
Other side.....	1.2 m [3.9 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 2.5 storeys
Maximum Lot Coverage.....	35%
Maximum Number of Dwelling Units per Lot.....	1

(b) Single detached dwelling, zero lot line.

Minimum Lot Area.....	275 m ² [2,960.2 ft ²]
Minimum Lot Frontage.....	10.5 m [34.4 ft]
Minimum Yard Requirements	
Front Yard.....	4.5 m [14.8 ft]
Rear Yard.....	7.5 m [24.6 ft]
Exterior Side Yard.....	3.5 m [11.5 ft]
Interior Side Yard.....	3.5 m [11.5 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 2.5 storeys
Maximum Lot Coverage.....	50%
Maximum Number of Dwelling Units per Lot.....	1

When a building abuts a *lot line*, a maintenance easement of 2 m [6.6 ft] shall be provided on the adjacent lot. Exterior openings or transparent windows of a building shall not be permitted on the exterior wall abutting a lot line.

(c) Duplex dwelling

Minimum Lot Area.....	520 m ² [5,597.4 ft ²]
Minimum Lot Frontage.....	17 m [55.8 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	9 m [29.5 ft]
Exterior Side Yard.....	4.5 m [14.8 ft]
Interior Side Yard	
One side.....	2.4 m [7.9 ft]
Other side.....	2 m [6.6 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 2.5 storeys
Maximum Lot Coverage.....	35%
Maximum Number of Dwelling Units per Lot.....	2

(d) Semi-detached dwelling

Minimum Lot Area.....	275 m ² [2,960.2 ft ²]
Minimum Lot Frontage.....	9 m [29.5 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	7.5 m [24.6 ft]
Exterior Side Yard.....	4.5 m [14.8 ft]
Interior Side Yard.....	2.4 m [7.9 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 2.5 storeys
Maximum Lot Coverage.....	35%
Maximum Number of Dwelling Units per Lot.....	2

5.4.3 Additional Provisions

(a) **Established Building Line**

Notwithstanding any provisions of Section 5.4.2 to the contrary, the *front yard* requirement may be reduced to the established *building line* as defined herein.

If a dwelling in a Low Density Residential (R1) Zone has less than the minimum *front yard* requirements it shall be deemed to comply with this By-law, however, the area of the minimum *front yard* shall not be reduced.

(b) Established Building Height

Notwithstanding any provisions of Section 5.4.2 to the contrary, the maximum *building height* may be increased to the *established building height* as defined herein.

(c) Lots South of Water Street

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, no building proposed or built south of Water Street shall exceed 12 m [39.4 ft] in height measured from the finished grade of the centre line of Water Street adjacent to the building site.

(d) Other General Provisions

Accessory uses, parking and other general provisions shall be in accordance with Section 4 of this By-law.

5.4.4 Special Exception Zones

(a) R1-1; 248 Park Street West

Notwithstanding anything in Section 5.4.1 of this By-law to the contrary, a retirement home with a maximum of 54 resident rooms shall be a permitted use in the R1-1 zone.

(b) R1-2; 356 East Street; Plan 19, Part of Lot 199 (By-law # 05-97)

Notwithstanding any provision of Section 5.4.1 of this By-law to the contrary, a *museum* which may serve meals as an integral part of and in conjunction with its educational program shall be permitted in the R1-2 zone on the premises known as the Stockade Barracks and Hospital Museum.

For the purposes of this By-law, “meals as an integral part of and in conjunction with its educational program” means:

- (i)** food prepared and served in a manner that is similar to that in the first part of the 19th century; and
- (ii)** meals during which a description of the food and its historical context is given by a knowledgeable person.

(c) **R1-3; 130 Henry Street.; Plan 19, Block 2, Lot 5, on the north side of Henry Street** (By-law #13-93)

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, a professional/residential building shall be a permitted use in the R1-3 zone in accordance with the following special provisions:

A maximum of six (6) suites consisting of six (6) dwelling units only, or four (4) dwellings units and two (2) professional office suites, or five (5) dwelling units and one (1) professional office suite.

Notwithstanding any provision of Section 4.34 of this By-law, the following special provision applies to the subject lands:

Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a width of at least 5 m [16.4 ft].

Parking Spaces.....4 spaces per practitioner and 1.25 parking spaces per dwelling unit

Notwithstanding any provision of Section 4.25 of this By-law, the following special provision applies to the subject lands:

Rear Planting Strip.....1.5 m [4.9 ft]

(d) **R1-4; 702 Dibble Street; Part of Plan 19, Block 4, Lot 50** (By-law # 14-93)

Notwithstanding any provision of Section 5.4.1 and 5.4.2 of this By-law to the contrary, a single dwelling unit shall be permitted in the R1-4 zone with the following special provisions:

Minimum Lot Area... ..375 m² [4,036.6 ft²]

Minimum Yard Requirements

Front Yard.....3.5 m [11.5 ft]

Rear Yard.....0 m [0 ft]

Interior Side Yard.....0.5 m [1.64 ft]

Exterior Side Yard.....1.75 m [5.74 ft]

- (e) **R1-5; 439 Sophia Street; Part of Plan 19, Block 4, Lot 50** (By-law # 14-93)

Notwithstanding any provision of Section 5.4.1 and 5.4.2 of this By-law to the contrary, a two (2) storey *triplex* shall be permitted in the R1-5 zone with the following special provisions:

Minimum Lot Area.....	265 m ² [2,852.5 ft ²]
Minimum Yard Requirements	
Front Yard.....	3 m [9.84 ft]
Rear Yard.....	1 m [3.28 ft]
Interior Side Yard	
One Side.....	1.45 m [4.8 ft]
Other Side.....	2 m [6.6 ft]
Maximum Number of Dwellings Units per Lot.....	3

Notwithstanding any provisions of Section 4.34, the number of parking spaces for the two storey triplex shall be a minimum of 3 in the R1-5 zone.

- (f) **R1-6; 122 James Street West; Plan 19, Lot 10 and Part of Lot 11, north side of James Street West** (By-law # 11-94)

Notwithstanding any provision of Section 5.4.1 and 5.4.2 of this By-law to the contrary, an eight (8) unit apartment dwelling shall be a permitted use in the R1-6 zone in accordance with the following special provisions:

Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	18 m [59.1 ft]
West Side Yard.....	7 m [23 ft]
East Side Yard.....	10 m [32.8 ft]
Maximum Building Height.....	7 m [23 ft]
Minimum Buffer Strip.....	1.75 m [5.74 ft]
Minimum Driveway Width.....	6 m [19.7 ft]
Minimum Landscaped Open Space.....	45%
Minimum Number of Parking Spaces.....	10
Maximum Number of Dwelling Units.....	8

- (g) **R1-7; 286-294 Park Street East; Plan 19, Block 1, Lot 172** (By-law # 04-96)

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, the following zone requirements shall apply in the R1-7 zone:

Minimum Lot Area.....	395.6 m ² [4,258.3 ft ²]
Minimum Lot Frontage.....	8.23 m [27 ft]
Minimum Yard Requirements	
Rear Yard.....	0.6 m [2 ft]
Exterior Side Yard.....	1 m [3.28 ft]
Interior Side Yard.....	0.2 m [0.66 ft]

(h) R1-8; 210 James Street West (By-law # 21-96)

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, the following zone requirements shall apply in the R1-8 zone:

Minimum Lot Area.....	339 m ² [3,649.1 ft ²]
Minimum Front Yard Requirement.....	0.5 m [1.64 ft]

(i) R1-9; 547 Centre St.; Plan 19, Block 2, Lot 15 (By-law # 21-96)

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, the following zone requirements shall apply in the R1-9 zone:

Minimum Lot Area.....	316 m ² [3,401.5 ft ²]
Minimum Rear Yard Requirement.....	2 m [6.6 ft]

(j) R1-10; 493 Dibble St. West; Plan 19, Block 3, Part of Lot 33
(By-law # 30-96)

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, the following zone requirements shall apply in the R1-10 zone:

Minimum Lot Area.....	200 m ² [2,152.9 ft ²]
Minimum Yard Requirements	
Front Yard.....	2.4 m [7.9 ft]
Rear Yard.....	3.5 m [11.5 ft]
Exterior Side Yard.....	0.7 m [2.3 ft]
Maximum Lot Coverage.....	40%

(k) R1-11; 368 St. Lawrence Street; Plan 19, Block 3, Part of Lot 33
(By-law # 30-96)

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, the following zone requirements shall apply in the R1-11 zone:

Minimum Lot Area.....	180 m ² [1,937.6 ft ²]
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Minimum Lot Frontage.....	12.5 m [41 ft]
Minimum Yard Requirements	
Front Yard.....	1.3 m [4.27 ft]
Rear Yard.....	0.4 m [1.3 ft]
Interior Side Yard	
One Side.....	2.4 m [7.9 ft]
Other Side.....	0.3 m [0.98 ft]
Maximum Lot Coverage.....	45%

(l) R1-12; 702 King Street West; Plan 19, Block 3, Lot 48; Part 1 on Reference Plan 15R-8472 (By-law #22-2001)

Notwithstanding any provision of Subsection 5.4.2(a) of this By-law to the contrary, the rear yard setback for an accessory building (garage) shall be 3.5 m [11.5 ft] on lands in the R1-12 zone.

(m) R1-13; Plan 19, Block 12, Lot 28 (By-law # 16-2005)

Notwithstanding any provisions of Section 5.4.1 and 5.4.2 of this By-law to the contrary, a *single detached dwelling* with a reduced *rear yard* setback of 4.2 m [13.9 ft] from the east property line shall be permitted on lands in the R1-13 zone.

(n) R1-14; 550 King Street West, Plan 19, Block 12, Lot 28 (By-law # 17-2005)

Notwithstanding any provisions of Section 5.4.1 of this By-law to the contrary, in addition to the uses permitted in Section 5.4.1, a professional *office* shall be a permitted use in lands located in the R1-14 zone.

(o) R1-15; St. Andrew’s Presbyterian Manse, 465 Centre Street; Plan 19, Block 2, Lot 14 & Part of Lot 15 (By-law # 22-2006)

Notwithstanding any provisions of Section 5.4.2 of this By-law to the contrary, reduced setbacks will be permitted in lands located in the R1-15 zone.

(p) R1-16; 1021, 1023-1028 Massie Drive; RP 15R-10697, Parts 5, 6, 7, 8, 9, 10, 12, 13 & 14 (By-law # 23-2007)

Notwithstanding any provisions of Section 5.4.2 of this By-law to the contrary, the minimum *interior side yard setback* shall be 1.2 m [3.9 ft] on both interior side yards in the R1-16 zone.

- (q) **R1-17; St. John's Anglican Church Sexton's House, 172 Dibble Street; Plan 19, Block 2, Part of Lot 12**

Notwithstanding any provisions of Section 5.4.2 of this By-law to the contrary, a reduced *interior side yard setback* of 0 m [0 ft] along the east property line shall be permitted in the R1-17 zone.

- (r) **R1-18; 389 Edward Street; Plan 19, Block 2, Lot 7** (By-law # 23-95)

Notwithstanding any provision of Section 5.4.1 to the contrary, a *florist* shall be a permitted use in the R1-18 zone.

5.5 Medium Density Residential (R2) Zone

No person shall use any lot or erect, alter or use any building or structure in the Medium Density Residential (R2) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.5.1 Permitted Uses

- Dwelling – Duplex
- Dwelling – Maisonette
- Dwelling – Row
- Dwelling – Semi-detached
- Dwelling – Single detached

5.5.2 Zone Requirements

- (a) Duplex dwellings, semi-detached dwellings, and single detached dwellings are subject to the R1 Zone Requirements
- (b) Maisonette dwelling and Row dwelling

Minimum Lot Frontage.....	20 m [65.6 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	7.5 m [24.6 ft]
Exterior Side Yard.....	4.5 m [14.8 ft]
Interior Side Yard.....	2 m [6.6 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 3 storeys
Maximum Lot Coverage.....	40%
Maximum Density.....	35 units/ha [14 units/ac]

5.5.3 Additional Provisions

(a) **Established Building Line**

Notwithstanding any provisions of Section 5.5.2 to the contrary, the front yard requirement may be reduced to the established building line as defined herein.

If a dwelling in a Medium Density Residential (R2) Zone has less than the minimum front yard requirements it shall be deemed to comply with this By-law, however, the area of the minimum front yard shall not be reduced.

(b) Established Building Height

Notwithstanding any provisions of Sections 5.5.2 to the contrary, the maximum building height may be increased to the established building height as defined herein.

(c) Lots South of Water Street

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, no building proposed or built south of Water Street shall exceed 12 m [39.4 ft] in height measured from the finished grade of the centre line of Water Street adjacent to the building site.

(d) Other General Provisions

Accessory uses, parking and other general provisions shall be in accordance with Section 4 of this By-law.

5.5.4 Special Exception Zones

5.6 High Density Residential (R3) Zone

No person shall use any lot or erect, alter or use any building or structure in the High Density Residential (R3) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.6.1 Permitted Uses

- Dwelling - Stacked Town House
- Dwelling - Apartment

5.6.2 Zone Requirements

(a) Stacked Townhouse Dwelling

Minimum Lot Area.....	0.5 ha [1.23 ac]
Minimum Lot Frontage.....	30.5 m [100 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	6 m [19.7 ft]
Side Interior Yard.....	6 m [19.7 ft]
For each full or partial storey above the first storey.....	+1 m [3.3 ft]
Side Exterior Yard.....	6 m [19.7 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 3 storeys
Maximum Density.....	50 units/ha [20 units/ac]
Minimum Landscaped Open Space.....	35%
Minimum Amenity Space for 15 dwellings units or more.....	10%

(b) Apartment Dwelling (2.5 storeys or less)

Minimum Lot Area.....	1,000 m ² [10,764.26 ft ²]
Minimum Lot Frontage.....	30.5 m [100 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	7.5 m [24.6 ft]
Exterior Side Yard.....	4.5 m [14.8 ft]
Interior Side Yard	
One Side.....	5 m [16.4 ft]
Other Side.....	2 m [6.6 ft]
For each full or partial storey above the first storey.....	+0.8 m [2.6 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 2.5 storeys
Maximum Lot Coverage.....	35%
Maximum Density.....	50 units/ha [20 units/ac]

Minimum Landscaped Open Space.....	35%
Minimum Amenity Space for 15 dwellings units or more.....	10%

(c) Apartment Dwelling (greater than 2.5 storeys)

Minimum Lot Frontage.....	30.5 m [100 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	9 m [29.5 ft]
Side Yard.....	3 m [9.8 ft]
For each full or partial storey above the first storey.....	+1.5 m [4.9 ft]
Maximum Building Height.....	18 m [59.1 ft]
Maximum Lot Coverage.....	35%
Maximum Density.....	65 units/ha [26 units/ac]
Minimum Landscaped Open Space.....	35%
Minimum Amenity Space for 15 dwellings units or more.....	10%

5.6.3 Additional Provisions

(a) **Buffering**

Where a High Density Residential (R3) Zone abuts a Low Density Residential (R1) Zone or Medium Density Residential (R2) Zone, and is not separated by a street, 3 m [9.84 ft] of land adjacent to the subject *lot line(s)* shall be used for no other purpose than a planting strip, in accordance with Section 4.25.

Where a High Density Residential (R3) Zone abuts an High Density Residential (R1) Zone or Medium Density Residential (R2) Zone, and is not separated by a street, the minimum *yard* requirement shall be 10.5 m [34.4 ft].

(b) **Established Building Line**

Notwithstanding any provisions of Section 5.6.2 to the contrary, the *front yard* requirement may be reduced to the established building line as defined herein.

(c) **Established Building Height**

Notwithstanding any provisions of Section 5.6.2 to the contrary, the maximum building height may be increased to *the established building height* as defined herein.

(d) Senior Citizen’s Dwellings

Notwithstanding the provisions of Section 5.6.2 of this By-law, a development in an R3 zone composed of Senior Citizen’s dwellings as defined herein, shall have a maximum density of 75 units per hectare [30 units per acre].

(e) Lots South of Water Street

Notwithstanding any provision of Section 5.4.2 of this By-law to the contrary, no building proposed or built south of Water Street shall exceed 12 m [39.4 ft] in height measured from the finished grade of the centre line of Water Street adjacent to the building site.

(f) Location of Parking Spaces

Notwithstanding any provision of Sections 5.6.2 to the contrary, no parking spaces shall be located in the front yard of any apartment building.

(g) Other General Provisions

Accessory uses, parking and other general provisions shall be in accordance with Section 4 of this By-law.

5.6.4 Special Exception Zones

(a) R3-1; 523 Hyde St; Plan 19, Block 13, Lots 39 & 41; (By-law # 17-99)

Notwithstanding any provision of Section 4.34 and 5.6.3 of this By-law to the contrary, the following zone exemptions shall apply to lands the R3-1 zone:

Sections 4.34(f) (Parking Requirements – Location of Parking Spaces) and Section 4.34(h) (Parking Requirements - Parking Areas for More than Four Vehicles) and Section 5.6.3(f) shall not apply.

(b) **R3-2; 410 King Street East; Plan 19, Block 1, Part of Lot 37 and 38** (By-law # 11-2004)

Notwithstanding any provision of Section 5.8.1 of this By-law to the contrary, the permitted uses in the R3-2 zone shall be limited to:

- Auto glass and Flat Glass business
- *Automobile Sales Outlet*
- Residential use on the ground and upper floor

In addition to the provisions of Subsection 5.8.4(e), the residential use shall have a maximum of eight (8) dwelling units with four (4) dwelling units being provided on each floor. The following shall apply:

Residential Use

- Convert existing building to accommodate a maximum of 8 dwelling units as per Schedule 'A' to By-law 11-2004.
- Reduce buffer from 3 m [10 ft] to 0.91 m [3 ft] along property line 'B' as shown on Schedule 'A' to By-law 11-2004, but include a 9.7 m [6 ft] high good neighbour fence as detailed on Schedule 'A' to By-law 11-2004.
- Install a 1.8 m [6 ft] high good neighbour fence as detailed on Schedule 'A' to By-law 11-2004 at the rear of the existing building (property line A).

Reduce buffer from 3 m [10 ft] to 1.8 m [6 ft] along property line 'C' as shown on Schedule 'A' to By-law 11-2004, but include a 1.8 m [6 ft] high good neighbour fence as detailed on Schedule 'A' to By-law 11-2004.

5.7 Core Commercial (CC) Zone

No person shall use any lot or erect, alter or use any building or structure in the Core Commercial (CC) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.7.1 Permitted Uses

- Antique Store
- Arcade/Video Arcade
- Art Gallery
- Bake Shop
- Bakery
- Bank
- Bed and Breakfast Establishment in an existing single detached dwelling
- Business, Professional or Administrative Office
- Business Service Establishment
- Cinema/theatre
- Clinics or offices of medical practitioner
- Convenience Store
- Dry cleaning distribution establishment
- Dwelling units situated above and within the same building as the commercial use
- Existing residential uses
- Florist
- Food supermarket
- Funeral home
- Hotel and motel
- Institutional
- Laundromat
- Library
- Marina
- Medical/Dental Office
- Mixed Use Building
- Museum
- Office
- Parking garage or lot
- Personal service establishment
- Pharmacy
- Place of assembly
- Printing establishment
- Private club

- Private instructional facility
- Restaurant
- Retail store
- Service shop
- Studio (second storey)
- Tavern
- Taxi dispatch
- Tourist Inn
- Tourist Outfitters Establishment
- Video Rental Outlet

5.7.2 Zone Requirements

Minimum Lot Area.....	230 m ² [2,475.8 ft ²]
Yard Requirements	
Maximum Front Yard	3 m [9.84 ft]
Minimum Rear Yard.....	7.5 m [24.6 ft]
Minimum Exterior Yard.....	3 m [9.84 ft]
Maximum Building Height.....	15.25 m [50 ft]

5.7.3 Additional Provisions

(a) King Street

Notwithstanding any provision in Section 5.7.2 to the contrary, the following provision shall apply to lots within the Core Commercial (CC) Zone which front onto King Street:

Maximum and Minimum Front Yard0 m [0 ft]

Further, the minimum building height shall be the *established building height*. Where no *established building height* can be determined, the minimum building height shall be 6.7 m [22 ft].

(b) Parking Requirements

Notwithstanding any provision in Section 4 or 5.7.2 to the contrary, no *parking spaces* shall be permitted in the *front yard* of any lot in the Core Commercial (CC) Zone.

Notwithstanding any provision in Section 4 to the contrary, there shall be no minimum number of parking spaces required for non-residential uses in the Core Commercial (CC) Zone where the lot on which the use is located has frontage on the north side of King Street between St. Lawrence Street and East Street or on the south side of King Street between West Street and East Street.

(c) **Increased Yard Requirements**

Where a Core Commercial (CC) Zone abuts a residential zone, the minimum *interior side yard* shall be 3 m [9.84 ft] and Section 4.25 shall also apply.

- (d) Professional offices and other non-retail uses shall be permitted to locate on upper floors.

5.7.4 Special Exception Zones

(a) **CC-1; 392 Edward Street; Plan 19, Block 2, Part of Lots 5 & 6**

Notwithstanding any provisions of Section 5.7.1 of this By-law to the contrary, a residential use on the first floor to a maximum of three (3) units for the entire building shall be a permitted use in the CC-1 zone.

(b) **CC-2; 394 King Street West; Plan 19, Block 2, Part of Lot 23**
(By-law # 15-2003)

Notwithstanding any provisions of Section 5.7.1 of this By-law to the contrary, a reduced setback of 1.83 m [6 ft] on the northern edge of the property shall be permitted in the CC-2 zone.

5.8 General Commercial (C1) Zone

No person shall use any lot or erect, alter or use any building or structure in the General Commercial (C1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.8.1 Permitted Uses

The uses permitted in the C1 zone are those uses set out in Section 5.7.1 in addition to the following uses:

- Automotive Sales Establishment
- Automobile Service Station
- Automobile Rental Establishment
- Bed and Breakfast Establishment in an existing single detached dwelling
- Car Wash
- Catering Establishment
- Factory Outlet
- Gas Bar
- Pharmacy
- Place of Amusement
- Restaurant, Drive-in
- Restaurant, Take-out
- All uses in the Core Commercial (CC) Zone

5.8.2 Zone Requirements

Minimum Lot Area.....	600 m ² [6,458.6 ft ²]
Minimum Lot Frontage.....	20 m [65.6 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	9 m [29.5 ft]
Exterior Side Yard.....	9 m [29.5 ft]
Interior Side Yard.....	0 m [0 ft]
Maximum Building Height.....	10.5 m [34.4 ft]
Maximum Lot Coverage.....	60%
Maximum Gross Floor Area.....	2,500 m ² [2,910.6 ft ²]
Maximum Floor Area Ratio.....	0.25

5.8.3 Additional Provisions

(a) Hotels and Motels

Where the exterior wall of a guest room contains a window, such wall shall be located not closer than 7.5 m [24.6 ft] from any *side* or *rear lot line*.

(b) Increased Yard Requirements

Where a General Commercial (C1) Zone abuts a residential zone, the minimum *yard* requirements between the uses shall be 18 m [59.1 ft] and Section 4.25 shall also apply.

(c) Established Building Line

Notwithstanding any provision of Section 5.7.2 or 5.8.2 to the contrary, the *front yard* requirement may be reduced or increased to the *established building line* as defined herein.

(d) Other General Provisions

Accessory uses, parking and other general provisions shall be in accordance with Section 4 of this By-law.

5.8.4 Special Exception Zones

(a) C1-1; 670 Edward Street; Plan 19, Block 6, Parts of Lots 3 & 4

Notwithstanding any provision of Section 5.8.2 of this By-law to the contrary, the following variances to the zone requirements are permitted in the C1-1 zone:

Minimum Yard Requirements

Rear Yard.....	1.8 m [5.9 ft]
Exterior Side Yard.....	1.8 m [5.9 ft]
Interior Side Yard.....	7.5 m [24.6 ft]

An *automotive sales establishment* shall not be permitted in the C1-1 zone.

(b) C1-2

Notwithstanding any provision of Section 5.8.1 of this By-law to the contrary, the permitted uses in the C1-2 Zone shall be limited to:

- *Clinics or offices of a medical practitioner*
- *Office*
- *Convenience store*
- *Service shop*

5.9 Highway Commercial (C2) Zone

No person shall use any lot or erect, alter or use any building or structure in the Highway Commercial (C2) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.9.1 Permitted Uses

- Automotive Sales Establishment
- Automobile Service Station
- Building Supply Store or Depot
- Car Wash
- Cinema/Theatre
- Department Store
- Factory Outlet
- Food Supermarket
- Home Display and Sales Outlet
- Hotel
- Motel
- Nursery
- Shopping Centre
- Shopping Plaza
- Show Room
- Tourist Inn

5.9.2 Zone Requirements

Minimum Lot Area.....	2 ha [4.94 ac]
Minimum Lot Frontage.....	60 m [196.9 ft]
Minimum Yard Requirements	
Front Yard.....	10 m [32.8 ft]
Rear Yard.....	10 m [32.8 ft]
Exterior Side Yard.....	10 m [32.8 ft]
Interior Side Yard.....	6 m [19.7 ft]
Maximum Building Height.....	12 m [39.4 ft]
Maximum Lot Coverage.....	60%
Minimum Landscaped Open Space	15%

5.9.3 Additional Provisions

(a) **Hotels and Motels**

Where the exterior wall of a guest room contains a window, such wall shall be located not closer than 7.5 m [24.6 ft] from any *side* or *rear lot line*.

(b) **Increased Yard Requirements**

Where a General Commercial (C1) Zone abuts a residential zone, the minimum *yard* requirements between the uses shall be 18 m [59.1 ft] and Section 4.25 shall also apply.

(c) **Established Building Line**

Notwithstanding any provision of Section 5.7.2 or 5.8.2 to the contrary, the *front yard* requirement may be reduced or increased to the *established building line* as defined herein.

(d) **Other General Provisions**

Accessory uses, parking and other general provisions shall be in accordance with Section 4 of this By-law.

5.10 Waterfront Mixed Use Development (CW) Zone

No person shall use any lot or erect, alter or use any building or structure in the Waterfront Mixed Use Development (CW) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.10.1 Permitted Uses

Residential Uses

- All uses in the R3 zone
- Group Dwelling
- Row or Townhouse Dwelling

Mixed Uses

- Apartment Hotel
- Bed and Breakfast Establishment in an existing single detached dwelling
- Clinic
- Existing Uses as of the day this By-law was passed
- Hotel
- Marine Facility
- Mixed Use Development
- Motel
- Office
- Pedestrian Plaza
- Private Park
- Public Park
- Restaurant
- Tourist Inn
- Waterfront Commercial Marine Facility
- Wellness Centre

5.10.2 Zone Requirements

- (a) All uses in the R3 zone permitted in the CW zone shall comply with the R3 zone standards, except the maximum building height for an apartment dwelling shall 15.25 m [50 ft] or 4 storeys.

Maximum Density.....65 units/ha [26 units/ac]
Density may be increased to 100 units/ha [40 units/ac] through
bonusing.

(b) Row or Townhouse Dwelling

Minimum Lot Area.....	800 m ² [8,611 ft ²]
	plus 200 m ² [2,153 ft ²] per Dwelling Unit over 4 units
Minimum Lot Frontage.....	6 m [19.7 ft] per Dwelling Unit
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	7.5 m [24.6 ft]
Exterior Side Yard.....	6 m [19.7 ft]
Interior Side Yard.....	1.8 m [5.9 ft]
Maximum Building Height.....	10.5 m [34.4 ft] or 3 storeys
Minimum Building Separation.....	2 m [6.6 ft]
Maximum Lot Coverage.....	45%
Minimum Landscaped Open Space.....	10%
Minimum Amenity Space for 15 dwellings units or more.....	10%
Maximum Density.....	40 units/net ha [16 units/net ac]

(c) Group Dwelling

Minimum Lot Area.....	0.8 ha [2 ac] plus 200 m ² [2,153 ft ²] per Dwelling Unit over 30 units
Minimum Lot Frontage.....	30 m [98.4 ft]
Minimum Yard Requirements	
Front Yard.....	6 m [19.7 ft]
Rear Yard.....	7.5 m [24.6 ft]
Exterior Side Yard.....	6 m [19.7 ft]
Interior Side Yard.....	1.8 m [5.9 ft]
Maximum Building Height.....	15.25 m [50 ft] or 4 storeys
Minimum Building Separation.....	4 m [13.1 ft]
Maximum Lot Coverage.....	45%
Minimum Landscaped Open Space.....	10%
Minimum Amenity Space for 15 dwellings units or more.....	10%
Maximum Density.....	65 units/net ha [26 units/net ac]

(d) Non-residential Uses

Minimum Lot Area.....	500 m ² [5,382.1 ft ²]
No minimum lot area shall apply to a Marine Facility, a park or open space use.	
Yard Requirements	
Maximum Front Yard.....	0 m [0 ft]
Minimum Rear Yard.....	7.5 m [24.6 ft]
Minimum Exterior Side Yard.....	3 m [9.84 ft]
Maximum Building Height.....	15.25 m [50 ft]

Minimum Building Separation.....	4 m [13.1 ft]
Maximum Lot Coverage.....	60%

5.10.3 Additional Provisions

- (a) The minimum *interior side yard* shall not apply to the party wall of a *row or townhouse dwelling*.
- (b) The minimum separation distance between any window in a dwelling and any *parking space* shall be 3 m [9.84 ft].
- (c) For a *mixed use development*, residential uses shall not be permitted on a street-level storey. Non-residential uses shall be limited to the first two (2) storeys.
- (d) The minimum separation distance between a restaurant and any residential use shall be 20 m [65.6 ft], measured from the building face of the restaurant to the building face of the residential use.
- (e) No architectural projections, including *signs*, shall be permitted beyond any property line where a zero lot line setback is permitted.
- (f) All development shall be subject to site plan control.
- (g) **Parking Requirements**

Notwithstanding any provision in Section 4 or 5.10.2 to the contrary, no *parking spaces* shall be permitted in the *front yard* of any lot in the Waterfront Mixed Use Development (CW) Zone that fronts onto King Street.

5.10.4 Special Exception Zones

- (a) **CW-1; 175 Water Street West** (By-law # 07-2005)

Notwithstanding any provision of Section 5.10.1 and 5.10.2 of this By-law to the contrary, a 28-unit condominium apartment building shall be permitted and the following special provision shall apply:

Minimum Lot Area.....	0.2 ha [0.5 ac]
Minimum Lot Frontage.....	30.5 m [100 ft]
Yard Requirements	
Maximum Front Yard.....	2 m [6.56 ft]
Minimum Rear Yard.....	2 m [6.56 ft]
Minimum Interior Side Yard.....	2 m [6.56 ft]
Maximum Building Height.....	13.5 m [44.3 ft]

Maximum Number of Dwelling Units.....	28
Maximum Lot Coverage.....	50%
Maximum Density.....	122 units/ha
Minimum Landscaped Open Area.....	50%

Parking for residential units shall be 28 parking spaces within the underground garage and 14 parking spaces outside at the rear of the building.

The minimum distance between an exterior wall of an end unit and a private land shall be 0.8 m [2.62 ft].

The minimum distance between an exterior wall and a pathway shall be 1.4 m [4.6 ft].

(b) CW-2; 555 King Street West

Notwithstanding any provision of Section 5.10.1 to the contrary, the permitted uses in the CW-2 zone shall be limited to:

- *Clinics or offices of a medical practitioner*
- *Pharmacy*

(c) CW-3; Wiser Hall

Notwithstanding any provision of this By-law to the contrary, the permitted uses in the CW-3 zone shall be limited to:

- *Bed and Breakfast Establishment*
- *Clinic*
- *Pedestrian Plaza*
- *Private Park*
- *Public Park*
- *Tourist Inn*
- *Wellness Centre*

5.11 General Industrial (M1) Zone

No person shall use any lot or erect, alter or use any building or structure in the General Industrial (M1) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.11.1 Permitted Uses

- Automobile Body Shop
- Building Supply Store or Depot
- Class II Industry – Medium Industrial
- Communication Facility
- Equipment and Vehicle Storage Yard
- Equipment Rental Establishment
- Equipment Service and Repair Establishment
- Farm Supply Outlet
- Feed yard
- Fuel Storage Facility
- Heavy Equipment Repair Facility
- Kennel
- Open Storage (of equipment, materials or products)
- Retail Lumber Yard including incidental mill work
- Those uses permitted in the Light Industrial (M2) Zone (Section 5.12.1)
- Transportation terminal

5.11.2 Zone Requirements

Minimum Lot Area.....	930 m ² [10,010.8 ft ²]
Minimum Lot Frontage.....	24 m [78.7 ft]
Minimum Yard Requirements	
Front Yard.....	12 m [39.4 ft]
Rear Yard.....	10.5 m [34.4 ft]
Exterior Side Yard.....	6 m [19.7 ft]
Interior Side Yard.....	6 m [19.7 ft]
Maximum Building Height.....	15 m [49.2 ft]
Maximum Lot Coverage.....	60%

5.11.3 Additional Provisions

(a) Increased Yard Requirements

Where a side or rear yard in the General Industrial (M1) Zone abuts a residential zone, such yard shall be a minimum of 10 m

[32.8 ft] and shall be used only for landscaped open space. Section 4.25 shall also apply.

(b) Reduced Yard Requirements

The yard requirements may be reduced to a zero lot line adjacent to a railway line right-of-way where the use is dependant on rail service.

(c) Servicing

Notwithstanding Section 4.28 of this By-law to the contrary, industrial development may proceed on private services on the north side of Highway 401 where it is deemed appropriate by Council, and necessary approvals are obtained from the Ministry of the Environment.

(d) Adult Entertainment Establishments

(i) In accordance with By-law 06-2005 of the Town of Prescott, no part of a *building* used for an *adult entertainment establishment* shall be located less than 500 m [1,640.4 ft] from any *place of worship, school, day nursery, library, community centre* or *public park*.

(ii) In accordance with By-law 06-2005 of the Town of Prescott, no *adult entertainment establishment* shall be located on Edward Street, Prescott Centre Drive, Churchill Road, or anywhere south of the CN rail line.

(iii) No part of a *building* used for an *adult entertainment establishment* shall be located less than 200 m [656.2 ft] from lands which are used for a cemetery or residential use (wholly or partially) or are in an R1, R2 or R3 zone.

(e) Other General Provisions

Accessory uses, parking, and other general provisions shall be in accordance with Section 4 of this By-law.

5.11.4 Special Exception Zones

5.12 Light Industrial (M2) Zone

No person shall use any lot or erect, alter or use any building or structure in the Light Industrial (M2) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.12.1 Permitted Uses

- Ambulance Facility
- Automobile Repair Garage
- Automobile Service Station
- Catering Establishment
- Class I Industry – Light Industrial
- Factory Outlet as an accessory use to a Class 1 Industry
- Fire Station
- Film Laboratory (experimental, photo, motion pictures, film or testing)
- Industrial Mall
- Laundry Cleaning
- Office related industrial use
- Parking Lot
- Place of Assembly
- Restaurant
- Self Storage Establishment
- Veterinary Establishment

5.12.2 Zone Requirements

Minimum Lot Area.....	743 m ² [7997.8 ft ²]
Minimum Lot Frontage.....	18 m [59.1 ft]
Minimum Yard Requirements	
Front Yard.....	12 m [39.4 ft]
Rear Yard.....	10.5 m [34.4 ft]
Exterior Side Yard.....	6 m [19.7 ft]
Interior Side Yard.....	6 m [19.7 ft]
Maximum Building Height.....	15 m [49.2 ft]
Maximum Lot Coverage.....	60%
Maximum Number of Dwelling Units per Lot.....	1

5.12.3 Additional Provisions

(a) Increased Yard Requirements

Where a side or rear yard in the Light Industrial (M2) Zone abuts a residential zone, such yard shall be a minimum of 10 m [32.8 ft]

and shall be used only for landscaped open space. Section 4.25 shall also apply.

(b) Reduced Yard Requirements

The yard requirements may be reduced to a zero lot line adjacent to a railway line right-of-way where the use is dependant on rail service.

(c) Buffering

Notwithstanding any provision in Section 5.12.2 to the contrary, a minimum 25 m [82 ft] wide buffer zone shall be provided adjacent to the western boundary of Registered Plan 33 and the lands of Sandy Hill Cemetery. The said buffer zone shall be maintained in a natural forested state as existing and shall not be cleared or pierced by roadways or walkways, municipal or otherwise except by amendment to this By-law.

(d) Servicing

Notwithstanding Section 4.28 of this By-law to the contrary, industrial development may proceed on private services on the north side of Highway 401 where it is deemed appropriate by Council, and necessary approvals are obtained from the Ministry of the Environment.

(e) Other General Provisions

Accessory uses, parking, and other general provisions shall be in accordance with Section 4 of this By-law.

5.12.4 Special Exception Zones

(a) M2-1; Prescott Finishing Inc, 823 Walker Street; Plan 19, Block 11, Lot 11 (By-law # 22-2002)

Notwithstanding Section 5.12.2 of this By-law to the contrary, the minimum side yard setback for lands zoned M2-1 shall be 1.5 m [4.92 ft].

(b) M2-2; Claxton Terrace

Notwithstanding Section 5.12.1 of this By-law to the contrary, the permitted uses in the M2-2 zone shall be limited to a self-storage establishment only.

5.13 Institutional (I) Zone

No person shall use any lot or erect, alter or use any building or structure in the Institutional (I) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.13.1 Permitted Uses

- Ambulance Facility
- Arena
- Art Gallery
- Community Centre
- Day Nursery
- Fire Station
- Government Facility
- Heritage Site
- Hospital
- Library
- Municipal Building
- Museum
- Continuum-of-Care Facility
- Place of Assembly
- Place of Worship
- School

5.13.2 Zone Requirements

(a) Continuum-of-Care Facility

Minimum Yard Requirements

Front Yard.....	6 m [19.7 ft]
Rear Yard.....	4 m [13.1 ft]
Side Yard.....	3 m [9.84 ft]
Maximum Building Height.....	10.5 m [34.4 ft]
Maximum Lot Coverage.....	50%

(b) All other uses

Minimum Yard Requirements

Front Yard.....	6 m [19.7 ft]
Rear Yard.....	6 m [19.7 ft]
Side Yard.....	6 m [19.7 ft]
Maximum Building Height.....	10.5 m [34.4 ft]
Maximum Lot Coverage.....	50%

5.13.3 Additional Provisions

- (a) Where an Institutional (I) Zone is situated within a built-up area, the *front yard* requirement may be reduced to the established *building line*, as defined herein, and the maximum *building height* may be increased to the *established building height*, as defined herein.

5.13.4 Special Exception Zones

5.14 Open Space (OS) Zone

No person shall use any lot or erect, alter or use any building or structure in the Open Space (OS) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.14.1 Permitted Uses

- Cemetery
- Communications Facility
- Conservation Use
- Equestrian Establishment
- Existing Dwelling
- Forestry Use
- Golf Course
- Greenhouse
- Heritage Site

5.14.2 Zone Requirements

Minimum Lot Area.....	1 ha [2.47 ac]
Minimum Lot Frontage.....	100 m [328 ft]
Minimum Yard Requirements.....	12 m [39.4 ft]
Maximum Building Height.....	12 m [39.4 ft]
Maximum Lot Coverage.....	10%

5.14.3 Additional Provisions

(a) Existing Uses

Notwithstanding Section 5.14.2 to the contrary, existing buildings or structures are deemed to be in conformity with the provisions of this By-law.

(b) Servicing

Notwithstanding Section 4.28 of this By-law, land zoned Open Space may be developed on private services, provided the necessary approvals are granted by the Ministry of the Environment.

(c) Other General Provisions

Accessory uses, parking and other general provisions shall be in accordance with Section 4 of this By-law.

5.14.4 Special Exception Zones

5.15 Public Parks (P) Zone

No person shall use any lot or erect, alter or use any building or structure in the Public Parks (P) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.15.1 Permitted Uses

- Community Centre
- Conservation Use
- Existing Buildings
- Fairground
- Heritage Site
- Park, Private
- Park, Public
- Recreational Use

5.15.2 Zone Requirements

Maximum Lot Coverage.....	35%
Minimum Yard Requirements	
Front Yard.....	9 m [29.5 ft]
Rear Yard.....	15 m [49.2 ft]
Exterior Side Yard.....	9 m [29.5 ft]
Interior Side Yard.....	9 m [29.5 ft]
Maximum Building Height.....	9 m [29.5 ft]

5.15.3 Additional Provisions

(a) Vegetation Retention

Existing vegetation in the form of trees and shrubs shall be preserved on all land zoned Public Parks (P) to the maximum extent possible. When siting ancillary structures, special care shall be taken to ensure the preservation of as much of the existing vegetation as possible.

(b) Other General Provisions

Accessory uses, parking and other general provisions shall be in accordance with Section 4 of this By-law.

5.15.4 Special Exception Zones

(a) P-1

In addition to the uses permitted in Section 5.15.1 of this By-law, the following uses shall be permitted in the P-1 zone:

- *Marina*
- *Marine facility*

5.16 Development (D) Zone

No person shall use any lot or erect, alter or use any building or structure in the Development (D) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

5.15.1 Permitted Uses

- Existing Uses as of the day this By-law was passed

5.15.2 Zone Requirements

Minimum Lot Frontage.....60 m [196.9 ft]
Minimum Yard Requirement (All Yards).....12 m [39.4 ft]

5.15.3 Special Exception Zones



Town of Prescott



Zoning Bylaw
Schedule A
Bylaw No _____

Legend

- Zones:**
- Low Density Residential R1
 - Medium Density Residential R2
 - High Density Residential R3
 - Core Commercial CC
 - General Commercial C1
 - Highway Commercial C2
 - Waterfront Mixed Use Development CW
 - General Industrial M1
 - Light Industrial M2
 - Institutional I
 - Open Space OS
 - Public Park P
 - Development D
- Other Features:**
- Potential Environmentally Significant Area [Hatched]
 - CN Railway [Dashed]
 - Waterbody [Blue]
 - Town Boundary [Dotted]
 - Highway 401 Corridor [Thick Blue]

Note: The base information on this plan was prepared from a variety of map sources and was used by permission of the Town of Prescott. It is not a legal plan of survey. For precise location of plan features recourse should be had to the original source data.



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